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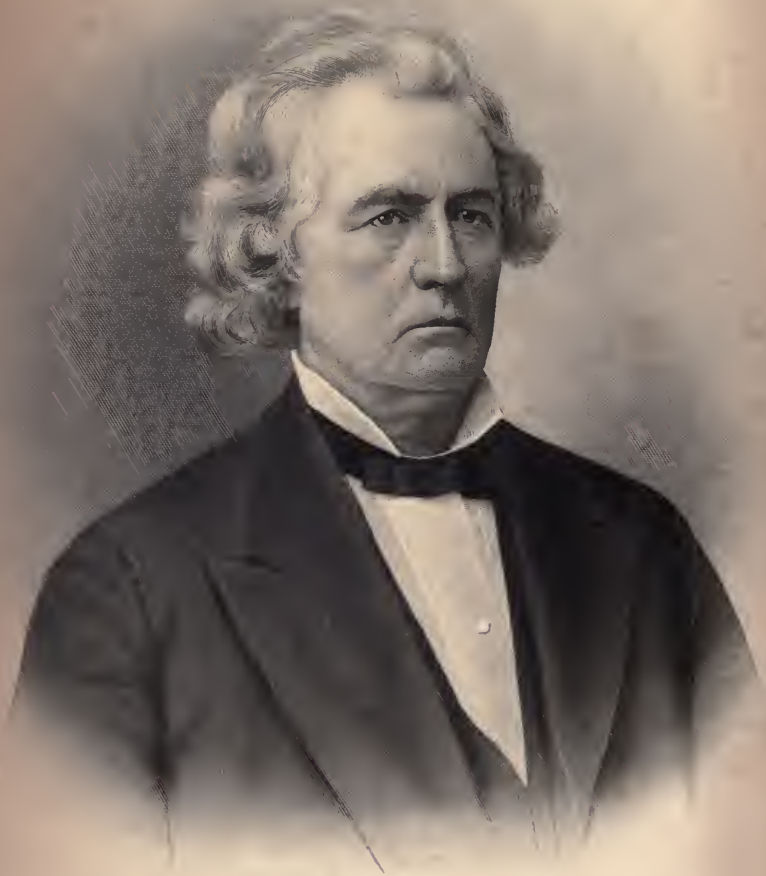

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THE TRUE HISTORY

OF THE

MISSOURI COMPROMISE

AND

ITS REPEAL

BY

MRS. ARCHIBALD DIXON

CINCINNATI
THE ROBERT CLARKE COMPANY
1899

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TO

THE TRUTH OF HISTORY

AND

THE PEOPLE OF THE UNITED STATES
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PREFACE.

The truth of history, and justice to the Author of the Repeal of the Missouri Compromise, Hon. Archibald Dixon, of Kentucky, alike demand, from one who was in a position to know the facts, a clear statement of the origin, the motives and the circumstances of that Repeal.

The history of the Repeal necessitates that of the Compromise itself.

So far as the writer is aware, no historian has ever given, or even attempted to give, any special account of these important measures, although they embrace in their full scope the life of a nation, and cover more than the period of a century. On the contrary, the events, motives and purposes leading up to these Acts have been mostly ignored by our historians, or else much misrepresented, and the many misstatements made have done great injustice not only to the Author of the Repeal, but also to the Hon. Stephen A. Douglas, who adopted it as his own measure, and embodied it in his Kansas-Nebraska bill, which was passed in 1854, after the greatest Congressional struggle that had as yet been recorded. Only the truth is needed for the vindication of both of these distinguished men as lofty and most sterling patriots.

Neither has any writer yet presented sufficient reasons for the extraordinary metamorphoses that took place within that period, in both the Northern and Southern sections of our country. The North, from being an

early advocate of secession and disunion, becoming most devoted to the Union—whilst the South, from being for years most devoted to the Union, became afterwards an advocate of secession; not only in theory, but in practice, giving her best blood to carry it into effect, and forsaking that Union, which she had done so much to form, and for which she had fought in 1812, when New England refused to do so.

It is true also, that the *majority* of the Southern States desired to stop the slave trade in 1787—and that the Northern States entered into a combination with a *minority* of the Southern States to prevent its prohibition by Congress for a period of twenty years—even putting this provision into the Federal Constitution itself. Yet afterwards, we find the North in favor of freeing the slaves of the South, many of whom had been brought into the country under this very provision; and the South, from having regarded slavery as a most dangerous element, afterwards defending it as the very bulwark of liberty itself. In the events and causes leading up to the Missouri Compromise and its Repeal, we find the only solution of the enigma of these singular and phenomenal transformations.

In relating these events, my object has been, not to justify, nor yet to criminate, either the Northern, or the Southern, section of our country; but simply to represent facts and feelings as they actually existed; to show the utterly irreconcilable differences between the sections upon the one subject of slavery and the absolute necessity for the establishment of that great principle of non-intervention by Congress with the domestic regulations of the States, which alone could have preserved peace between the sections, left the Constitution invio-

late, and prevented the dread accession of those twin evils, secession and coercion; which principle was asserted to be the only correct one in the Congressional legislation of 1850, and was reasserted and established, in 1854, by the Repeal, by Congress, of the Missouri Compromise Act of 1820.

This work is designed to state the facts connected with those two great measures fully, clearly, truthfully and without fear or favor. It has been written under many disadvantages, such as illness, family cares and sorrows, and at long intervals of time; the study of the subject having been begun in 1877, one year after the death of Hon. Archibald Dixon, of Kentucky, Author of the Repeal of the Missouri Compromise, and the beloved husband of the writer.

I will state that in writing this history, I wrote as I read, and from first impressions, sometimes finding them mistaken and subject to correction: but much oftener finding them confirmed and strengthened the more I read, and the more deeply I went into the subject.

In 1893, the partially completed manuscript, with my entire library, was destroyed by fire, and the task of rewriting it seemed an impossibility.

But owing to the kindness of friends in lending books and procuring data, I have been enabled to carry out my purpose, however imperfectly it may have been done. And I wish now to thank them for their assistance: more especially, Col. Henry Powell, of Henderson, Kentucky, who furnished me with the Congressional Records and Annals of Congress, belonging to his late honored father, Senator Lazarus W. Powell, without which I should have been unable to proceed at all; Hon. Robert L. Wilson, of Cape Girardeau, Mo., who procured for me

duplicates of valuable papers lost in the burning of my residence; Hon. Wm. Wirt Henry, of Richmond, Va., through whose kindness I obtained the Act of Virginia, of 1788, found in the Appendix; the Rev. R. M. Hayes, who sent me the data of the Methodist Conference of 1849; Vice-President Stevenson and the late Hon. Daniel Voorhees, to whose courtesy I was indebted for the permission of the Senate to have a copy made of Mr. Dixon's motion for the Repeal of the Act of 1820, made January 16, 1854; Justice John M. Harlan, who sent me some volumes from Washington City that were indispensable; Hon. Micajah Woods, of Charlottesville, Va., for autograph letter of Mr. Clay, hitherto unpublished; also Hon. Geo. Yeaman, of New York, Hon. Wm. Wirt Henry, Hon. John W. Lockett and Major John J. Reeve, of Henderson, Ky., who were most kindly critics, and offered suggestions of the greatest value.

It has been with me not only a labor of love, but of the deepest interest in the subject which so broadened and deepened with the study of it as to include far more than one set of men or measures.

Should the following pages succeed in establishing the simple truth of history, which is far more valuable than rounded periods or high-sounding phrases, such success will be a sufficient reward for all the time and labor expended on them, and the Author's aim will have been accomplished.

SUSAN BULLITT DIXON.

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THE TRUE HISTORY

OF

THE MISSOURI COMPROMISE

AND ITS REPEAL.

CHAPTER I.

Slavery under the Constitution—Slaves first brought to the Western Hemisphere by Spain—American Colonies all owned slaves—Patrick Henry bitterly opposed to slavery—Three-fifths representation—Fugitive slave law—Continuance of the slave trade under the Constitution for a period of twenty years—General Washington's account of the "bargain" by which this was effected, and the "two-thirds vote" measure defeated—Mr. Madison's record of the proceedings—All of the Southern States but two opposed to the bargain.

The Act of 1820, known as the Missouri Compromise, was the first surrender of the great vital principle of political equality between the States of the American Union, and the first authorized demarkation of a sectional line between them; this line was drawn by Congress itself, was its first interference with the rights of the people of the States in the Territories of the United States, and was an exercise by Congress of powers not delegated to that body under the Constitution.

The Repeal of that Act (or, rather, a portion of it), in 1854, meant a restoration of that lost equality, the elimination of that line and of sectionalism; the restoration to the people of their just rights, and the annulment of that arbitrary exercise of power; and was dictated by the loftiest patriotism and the purest love of country.

The history of the Missouri Compromise includes the cause of the late war between the States.

That cause was *slavery*.

Darkly and in bold relief it stands out in the records of the past hundred years as the point whence all sectional animosities arose, and upon which all sectional jealousies and hatreds were concentred.

This Gordian Knot of the nineteenth century could, perhaps, only have been cut, as it was, by the sword, for several reasons: in the first place, the South never saw the day when she would have surrendered her property to force without a fight, and the Northern people were never willing for the government to pay the South for her slaves in order to their deportation and freedom—every proposition to that effect being rejected by the Northern majority in Congress, even though made by Northern members. It was, moreover, a question of land, for which the Anglo-Saxon race *will always fight*. The South wanted the territory from which she had been unjustly excluded by act of Congress, as a place of exodus for her surplus blacks, whose increase was daily becoming more and more a burden; whilst the North wanted the fertile fields of the South, from which her people were excluded by the existence of slave labor as effectually as though by act of Congress, for the maintenance of her surplus white population which was increasing every year by the thousands, owing to foreign emigration. And last, but not least, the political equality of the States became a point of honor with the South, as well as a means of self-preservation, for which her people preferred to fight, even if they lost, rather than to surrender it tamely and without a struggle.

Some very distinguished and able men have expressed the belief that, as Alexander Stephens said, "slavery was only an incident of the war," and not the cause of it. But this appears to the writer to be a mistaken view. It would seem, on the contrary, that slavery had hitherto been the only question of difference between the States

that could have brought on the war—as it is the only one that involved the rights of property, the possession of territory, the principle of the equal rights of the States, and was sectional in its character, dividing the nation into two separate geographical divisions.

Slavery was not a matter of choice with the American people. Bequeathed to them in their infancy, it cast its shadow upon their very cradle. Had King George III., in the plentitude of his power, desired, like some wicked Fairy of old, to curse with a fatal gift the fair child of Liberty, he could have chosen nothing more sure, more deadly, than this.

To appreciate properly the repeal of the Missouri Compromise, the Compromise itself and the relation of its subject, Slavery, to the Constitution of the United States must first be understood.

The colonies had all owned slaves. An almost immemorial custom, it was not then viewed with the abhorrence which has since become its portion. But the sentiment of their best people was decidedly against it, and protest after protest, especially from Virginia, against the further introduction of slaves went up to his majesty of England, but in vain; for King George derived a handsome revenue from the products of slave labor, and moreover regarded slavery as an element of weakness calculated to keep the Colonies in subjection to his rule.

The early colonists, more especially in Massachusetts, had attempted to make slaves of the Indians; but found them entirely unsuited to their purposes, being irreclaimably opposed to either work or submission.

It was at the suggestion, in about the year 1517, of a kind and well-meaning Catholic priest, Bartholomew Las Casas, that the regular commerce in African negroes began. He was engaged in the work of converting the Indians of the Spanish colonies in the West Indies, many of whom had been forced into a state of slavery by their Spanish captors, and compelled to labor

in the mines of Cuba, and Hispaniola (or St. Domingo).[1] In pity for them and to ameliorate their sufferings, he proposed that the negroes from Africa be substituted for the Indians whose souls he was trying to save. (The souls of the negroes appear to have been a secondary consideration with the good priest.) The negroes stood captivity and slavery so much better than the Indians, who rapidly pined away and died under those condi-

[1] "The impossibility of carrying on any improvement in America, unless the Spanish planters could command the labor of the natives, was an insuperable objection to his plan of treating them as free subjects. In order to provide some remedy for this, without which he found it was in vain to mention his scheme, Las Casas proposed to purchase a sufficient number of negroes from the Portuguese settlements on the coast of Africa, and to transport them to America, in order that they might be employed as slaves in working the mines and cultivating the ground. One of the first advantages which the Portuguese had derived from their discoveries in Africa, arose from the trade in slaves. Various circumstances concurred in reviving this odious commerce, which had been long abolished in Europe, and which is no less repugnant to the feelings of humanity, than to the principles of religion. As early as the year one thousand five hundred and three, a few negro slaves had been sent into the New World. In the year one thousand five hundred and eleven, Ferdinand permitted the importation of them in greater numbers. They were found to be a more robust and hardy race than the natives of America. They were more capable of enduring fatigue, more patient under servitude, and the labor of one negro was computed to be equal to that of four Indians. Cardinal Ximenes, however, when solicited to encourage this commerce, peremptorily rejected the proposition, because he perceived the iniquity of reduciug one race of men to slavery, while he was consulting about the means of restoring liberty to another. But Las Casas from the inconsistency natural to men who hurry with headlong impetuosity toward a favorite point, was incapable of making this distinction. While he contended earnestly for the liberty of the people born in one quarter of the globe, he labored to enslave the inhabitants of another region; and in the warmth of his zeal to save the Americans from the yoke, pronounced it to be lawful and expedient to impose one still heavier upon the Africans. Unfortunately for the latter, Las Casas's plan was adopted. Charles granted a patent to one of his Flemish favorites, containing an exclusive right of importing four thousand negroes into America. The favorite sold his patent to some Genoese merchants for twenty-five thousand ducats, and they were the first who brought into a regular form that commerce for slaves between Africa and America, which has since been carried on to such an amazing extent."—(Wm. Robertson, History of America, Vol. 1, page 310–12.)

tions, and were besides so much more docile and submissive than the Indians, that they were brought over in large numbers, first to the West Indies and Spanish Colonies of South America, and then to the North American Colonies; to the Northern or Eastern as well as the Middle and Southern Colonies. But the negroes, from their lack of acclimation probably, proved to be very worthless laborers in the colder regions of the North, and the greater part of them gradually drifted to the more Southern Colonies where the climate[1] was better suited to them.

With the dawning of intellectual and religious freedom

[1] And now, after all the years, taking a purely philosophical view of the question, is it not possible that climatic differences may have been really responsible for the war between the states? They evidently had primarily a vast influence in creating the difference in institutions between the North and South. Fundamentally, slavery was the result of greed and selfishness. There is certainly nothing to indicate that human selfishness was more lacking in the North than in the South, and there was necessarily a stronger reason than any moral one which made a sectional line of demarkation between slave and free territory. Had climatic influences been the same, had the slaves whom the Northern States so largely assisted to import from Africa, regardless of the question of morality, proved as profitable an investment in those states as they were in the South, is it not at least probable that slavery would have been universal in our country? Would not the Northern people have felt that employment of the African savage in labor of a kind which no white man could stand, but for which his constitution and previous climatic surroundings peculiarly fitted him, was entirely justifiable on the ground of necessity? Would they not have believed that the civilization of American slavery was really preferable for this savage over the slavery of benighted barbarism and cannibalism in which he dwelt? Would they not have claimed his civilization and Christianization as high moral and religious results of his subjugation and deportation from his native land? That they did not receive the same revenue from slave labor in the North as in the South, is probably the genuine reason, as the economic one, for its rejection by them. That the failure of the negro as a source of revenue to his Northern master was due to his lack of acclimatization, was rendered very apparent by the contrast between the just-arrived Dahomey negroes who sat shivering in midsummer at the World's Fair in Chicago, 1893, and the acclimatized American negro who has been spreading himself throughout the North so regardless of climate that he may in time be expected to perhaps rout the Esquimaux from the North Pole, and chase the polar bear from the frozen seas of the Artic regions.

upon the world had also, however, arisen the idea that personal slavery was wrong; that the enslavement of one man by another, for his own benefit, was an infringement of the rights of man; but, like all new ideas, this opinion was held mainly by the advanced thinkers of the day, and had scarcely yet permeated the masses.

Whilst the struggle for Independence from Great Britain was coming on, the feeling against African slavery was growing too, in the American Colonies, and nowhere was this feeling stronger than in Virginia among all the better classes of people.

In a letter written by Patrick Henry to a correspondent who sent him Anthony Benezet's book against the slave trade, after expressing his "wonder that this abominable practice has been introduced in the most enlightened ages," he says:

"Would any one believe I am the master of slaves of my own purchase! I am drawn along by the general inconvenience of living here without them. I will not, I can not justify it . . . I believe a time will come when an opportunity will be offered to abolish this lamentable evil. Every thing we can do is to improve it if it happens in our day; if not, let us transmit to our descendants, together with our slaves, a pity for their unhappy lot and an abhorrence of slavery. . . . I could say many things on this subject, a serious view of which gives a gloomy perspective to future times."

This letter was written in 1773 (see Vol. 1, p. 152, Wm. Wirt Henry's Life of Patrick Henry), and in 1774, in an address of the "Freeholders of Hanover County" to Patrick Henry and John Syme, their delegates to the Virginia Convention which met August 1st at Williamsburgh to appoint her delegates to the first Continental Congress, we find the following as a part of their instructions:

"The African trade for slaves we consider as most dangerous to the virtue and welfare of this country; we

therefore most earnestly wish to see it totally discouraged." (Idem, p. 193.)

But the negro, with all his indolent, shiftless ways—though so unprofitable in the cold climate of the North as to be not only not a success there as a pecuniary investment, but, instead, an incubus on society—yet, when transferred to the warmer climate of the South, had become a useful laborer and a valuable member of the community. The exports from the Southern Colonies had made them far more wealthy than were the Northern, and these exports were the products of slave labor.[1] So that however opposed the Southern Colonists might be to slavery in sentiment, their interests were all bound up in this labor which had opened their forests and drained their swamps, which had found health where the Anglo-Saxon would have found only a grave, and which had become, from a race of most ignorant barbarians, under the teachings and control of their American masters, contented, useful, and happy as any laboring class in the world.

The interests of the Northern Colonists meantime were entirely divorced from slave labor; they were turning their attention to fisheries, to commerce, to navigation, and whatever promised them some increase of their wealth. Among other articles of commerce, they carried on a considerable trade in African slaves, for whom they found a ready market in the South, whose fertile lands were not yet by any means all opened up to cultivation.

With such diverse interests, with such totally different systems of labor and habits of life, it is not wonderful that it was a difficult thing for these Colonies to form a Union; and they probably would never have done so, but for the strong outside pressure from Great Britain which impelled them to unite for self-protection. With their very birth then as Confederated States, there

[1] They also owned three times as much territory previous to Virginia's cession of the North-western Territory.—The Author.

arose between them that mighty conflict of interest and opinion which less than a century later culminated in the greatest Civil War the world has ever known.

It is a matter of interest to mark, and of philosophy to note, that this giant contest grew, as most contests do, out of the ever-recurring, never-to-be-settled, question of dollars and cents.

After the independence of the Colonies had been declared, in 1776, the next step was to maintain it. Taxes were apportioned to the States for this purpose, based on the value of their lands, instead of the numbers of their inhabitants, as at first proposed, because of the impossibility of getting the Eastern (or Northern) and Southern States to agree as to the relative value of the slaves as inhabitants—the South contending that "they ought not to be taxed equally with the white laborers of the North for two reasons. A white man would do three times as much work as a negro, so one white man ought to count for as much as three negroes; and further, it would be manifestly unjust to tax the South for her negroes when they were property"—"you had as well include the cattle of the Northern farmer as the negroes of the Southern planter—you would be taxing the South doubly, on her numbers and on her wealth conjointly."[1] The Northern men, on the other hand, claiming that "your laborers are inhabitants, be they slaves or freemen, and add equally to the wealth of the country, and should therefore be equally included in any rule of taxation."[2]

Owing to this irreconcilable difference of opinion it was then decided to make the value of the lands the basis of the taxes; but in 1783, finding these values so fluctuating and uncertain as to be very unsatisfactory, Congress determined to base the taxes on the numbers of inhabitants, as being the only available plan. Again, all the arguments were gone over, *pro* and *con;* when

[1] See Mr. Madison's papers.—Notes of the Convention.
[2] Idem.

finally, Mr. Madison proposed, as a compromise, that, in the census which should be taken to determine the number of inhabitants for taxation, five negroes should be counted as three white men. This proposition passed, and when, in 1787, the representation of the States in Congress was under consideration by the Constitutional Convention, it was agreed to adopt this rule of taxation, as also the rule of representation,[1] it being alleged as the reason for it that a people should be represented in proportion as they are taxed, and *vice versa*.

In the course of these debates, it came out very strongly that when the negro was to be taxed the North rated him very highly, and the South very low; but when he was to be represented, it was the South that valued him at a very high rate, and the North correspondingly low. The *vice versa* aspect of difference in opinion on these points is almost amusing to the reader of the discussions which are recorded in Mr. Madison's Notes of the Convention.

This three-fifths representation of the slaves of the South in Congress was the cause of much jealousy and antagonism on the part of the North for many years—her freemen deeply resenting even the partial equality of a race so inferior and degraded as the blacks of the South; and being jealous, also, of the superior race who received, as they imagined, the benefit of the representation of their slaves. This jealousy and sensitiveness were aroused whenever the question was brought up in any shape or form, and, at the time of the formation of the Constitution, came very near preventing altogether the Union of the States; as the Southern States refused absolutely to unite with the Northern unless they should receive the benefit of some representation for their slaves, when they were taxed for them as part of their population—and would only agree to enter the Union with the further condition that their slave property

[1] Madison's Notes.

should be protected by law from any aggressions of their neighbor States. Whilst some of the Northern men declared "it was monstrous that the citizen of Georgia, who would go to the coast of Guinea and import the wretched Africans, reducing them to a state of slavery, should have more votes in a government instituted for protection of the freedom of mankind than the freeman of the Northern States, who scorned to so violate the rights of human nature; and moreover that it was unfair to bring these savages into the country, and then expect the North, in case of insurrection among them, to rush to arms in defense of the South."[1] The Southern men retorted that "they would never ask the North to defend them against their own slaves, as they felt amply able to take care of themselves without any assistance. That this was not a question of morality—nor did they acknowledge the right of the Northern States to dictate to them as to morals—but the only question at issue was, should the States unite? That interest was the governing principle with nations, and all they had to decide was whether it was for their mutual interest to form a Union."[2]

The young Republic had been singularly surrounded by difficulties from the beginning of her existence. There were foreign foes whom she must keep off, and the foreign powers of the world whose respect she must command; there were the Indians on her borders, whom she must conquer or conciliate; and Tories in her midst whom she must watch and guard against; there were dissensions and jealousies among the States themselves—the larger States considering themselves entitled to more power than the small States, and the small States fearful lest the larger ones might claim out to the Mississippi or "down to the South Sea," as the Pacific Ocean was then called. The East had her fisheries and her commerce, the South had her slaves, and the West her great Missis-

[1] Gouverneur Morris (of Pa.)

[2] Mr. Rutledge (of S. C.)

sippi River, as perpetual subjects of discord between the different sections. Each State too was sovereign in character, and it was a difficult thing for them to determine to lay down any of their sovereign powers. They preferred to make their own treaties, and collect their own revenue, and rejected every proposal of Congress looking to collection of revenue by the Confederated Government.

The war debt was unpaid, and there was no power to enforce any contributions from the several States. With no money in the Treasury, and no means to provide for its support, it was evident that the Government must collapse speedily. The best men of the country were therefore selected to hold a Convention, and it was under the sternest pressure of necessity from without and within that our present Union was agreed upon; the defiant pride of state-powers and the haughty independence of State-sovereignties yielding only to the inevitable, and hedging themselves about with every protection to those powers and sovereignties that might be consistent with the general good, and with the requirements of a defined and regulated general government.

The history of the Constitution is so well known, it is not necessary to repeat it here. But there is one part of the history of slavery under the Constitution that is not so well known as it should be, and that is, that the continuance of the slave trade for twenty years, or until the year 1808, was due to a *bargain* made between the three New England States, viz., Massachusetts, New Hampshire, and Connecticut, on the one side, and South Carolina and Georgia on the other, in utter contravention of the views of the other Southern States.

Hear Gen. Washington's statement of it as reported by Mr. Jefferson in his "Anas," in which is given the purport of a conversation with Gen. Washington, Sept. 30, 1792, when he tells Mr. Jefferson: "The Constitution, agreed to till a fortnight before the Convention rose, was such a one as he would have set his hand and

heart to. 1st. The President was to be elected for seven years. 2d. Rotation in the Senate. 3d. A vote of two-thirds in the legislature on particular subjects, and expressly on that of navigation.

"The three New England States were constantly with us in all questions (Rhode Island not there, and New York seldom), so that it was these three States, with the five Southern ones, against Pennsylvania, New Jersey, and Delaware.

"With respect to the importation of slaves, it was left to Congress. This disturbed the two southernmost States, who knew that Congress would immediately suppress the importation of slaves. These two States, therefore, struck up a bargain with the three New England States.

"If they would join to admit slaves for some years, the southernmost States would join in changing the clause which required two-thirds of the legislature in any vote. It was done.

"These articles were changed accordingly, and from that moment the two southernmost States, and these three northern ones, joined Pennsylvania, New Jersey, and Delaware, and made the majority eight to three against us, instead of eight to three for us, as it had been through the whole Convention.

"Under this coalition, the great principles of the Constitution were changed in the last days of the Convention."[1]

The above is fully borne out by Mr. Madison's record of the votes and proceedings of the Convention.

He says, that on August 25th: "The Report of the Committee of eleven (see Friday the twenty-fourth), being taken up, General Pinckney,[2] moved to strike out the words, 'the year eighteen hundred,' as the year limiting the importation of slaves; and to insert the words, 'eighteen hundred and eight.'"

[1] Jefferson's Works, Ninth Vol., "The Anas." [2] Of South Carolina.

"Mr Gorhan[1] seconded the motion.

"Mr. Madison.[2] Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the American character, than to say nothing about it in the Constitution.

"On the motion, which passed in the affirmative—New Hampshire, Massachusetts, Connecticut, North Carolina, South Carolina, Georgia, aye—6;[3] New Jersey, Pennsylvania, Delaware, Virginia, no—4."[4]

On the 29th day of August, we find—"Article 7, Section 6,[5] by the Committee of eleven[6] reported to be struck out (see the twenty-fourth instant), being now taken up—

"Mr. Pinckney[7] moved to postpone the Report in favor of the following proposition: 'That no act of the Legislature for the purpose of regulating the commerce of the United States with foreign powers, among the several States, shall be passed without the assent of two-thirds of the members of each House'" . . .

"Mr. Martin[8] seconded the motion.

"Gen. Pinckney said it was the true interest of the Southern States to have no regulation of commerce, but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct toward the views[9] of South Carolina, and the interest the weak Southern States had in being united with the strong Eastern States, he thought it proper that no fetters should be imposed on the power of making com-

[1] Of Massachusetts.
[2] Of Virginia.
[3] In the Madison Papers, this is "7," a misprint of course.
[4] Madison's Papers, Vol. 1, p. 1427.
[5] As to a navigation act.
[6] One member from each State.
[7] Of South Carolina also.
[8] Luther Martin, of Maryland.
[9] "He meant the permission to import slaves. An understanding on the two subjects of *navigation* and *slavery*, had taken place between those parts of the Union, which explains the vote on the motion depending, as well as the language of Gen. Pinckney and others."—(Madison's Papers, Vol. 3, pp. 1450–1451.)

mercial regulations, and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself, he said, prejudices against the Eastern States, before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever."

The debate continued, showing great diversity of opinion among members, even from the same States. Finally—

"On the question to postpone, in order to take up Mr. Pinckney's motion—

"Maryland, Virginia, North Carolina, Georgia, aye—4; New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, South Carolina, no—7.

"The Report of the Committee for *striking out* Section 6, requiring two-thirds of each House to pass a navigation act, was then agreed to, *nem. con.*"[1]

It will be seen from the above votes that whilst North Carolina had voted with South Carolina and Georgia on the question of the importation of slaves until 1808, yet Maryland and North Carolina, and even Georgia (who seems to have repented at the last moment), now voted with Virginia to postpone the whole report, in order to take up Mr. Pinckney's motion. Which motion meant defeat of the entire Report; for if he had carried his proposition in favor of the two-thirds vote, it would have been equivalent to the defeat of the clause permitting the slave trade. As the Eastern States would never have voted for the Report had it contained the two-thirds clause. And the great mistake and misfortune of the continuance of the slave trade would have been avoided. But whilst Pennsylvania, New Jersey and Delaware had voted with Virginia against the importation of slaves, yet, on the question to postpone the Report in order to take up Mr. Pinckney's motion in favor of the two-thirds vote, Pennsylvania, New

[1] Madison's Papers, Vol. 3, p. 1456.

Jersey and Delaware joined the three New England States and South Carolina, as against Virginia, Maryland, North Carolina and Georgia; thus defeating every effort of those men who were opposed to the consummation of this bargain in the interest of greed on both sides.

And so was passed that famous (or infamous?) clause in the Constitution, by which it was declared that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808."

New England was especially interested in navigation, and for the sake of gaining some commercial advantages for herself (in which she was sustained by Pennsylvania, New Jersey, and Delaware), she joined hands with South Carolina and Georgia in fastening upon the country for twenty years that fatal institution of slavery, which grew, from a few wretched captives in Boston and on the James River, to such colossal proportions, and became so interwoven with the interests, the affections, and the prejudices of a great portion of the American people, as to make it a difficult and dangerous question for any man to handle, and almost impossible to get rid of.

The fugitive slave law, by which, "If any person bound to service or labor in any of the United States, shall escape to another State, he or she shall not be discharged from such service, or labor, in consequence of any regulation subsisting in the State to which he may escape, but shall be delivered up to the person justly claiming their services or labor," was first made a part of the 6th Article of the Ordinance of 1787 for the government of the North-western Territory, which had been ceded by Virginia to the United States: and by which slavery was forever prohibited in all of that great Territory north of the Ohio and east of the Mississippi River.

This "fugitive slave law," as it was called, was a

month later, with some changes of verbiage, incorporated into the Constitution.

There can not be a doubt that the prohibition, by the old Congress, of slavery in the Territory, was the consideration granted to the North for the three-fifths representation and this law for the recovery of slaves; although it was considered then by some of the most superior minds that Congress had not the right under the Articles of Confederation to make such prohibition.

All of these arrangements were most distinctly *quid pro quo* in their nature. The three-fifths representation and the fugitive slave law, given in exchange for the prohibition of slavery in the North-west Territory, and the continuation of the slave trade in exchange for the defeat of the two-thirds votes were politely termed "Compromises of the Constitution," and Gen. Washington's word "bargain" was entirely dropped and lost out of memory. They were afterward denounced by the Abolition leaders of New England as "a league with Hell and covenant with the Devil," though made by their own people.[1]

But between these so-called compromises of the Constitution, there was a vast difference, not perhaps appreciable on a casual view.

[1] Since the war between the States, some secessionists also have denounced the men who made the Constitution, in that "they did not settle the question of secession *then*—because they left it an open question."

When a man builds a house for himself and his posterity, he puts the stones together with care, and cements them as strongly as possible; but no precaution he may take can prevent his descendants from pulling those stones apart and tearing down that house. Only their own good sense and judgment can be relied on to preserve it.

So with our Constitution. The men who made it were endeavoring to *form* a Union, and found great difficulty in doing it. On posterity depended the preservation of both Union and Constitution. But the idea of secession *was* distinctly rejected when one of the States (New York, I think) proposed that the right of secession be made a condition of her ratification of the Constitution, and Mr. Madison replied in the negative, saying that the ratification must be unconditional and final.—Author.

That one which included the three-fifths representation of the slaves of the Southern States and the fugitive slave law involved no sacrifice of principle on either side. In demanding these measures, Virginia and the States who acted with her violated no principle of justice or humanity. The negroes were already in the country, had been brought into it against their earnest and repeated protests. Now that they were here, justice and wisdom alike demanded proper measures for the protection of the white population of the South in their property and their political equality. Nor did the Northern majority in yielding these measures violate any principle. In granting to the Slave States a representation commensurate with their taxation, they acted in accordance with the same principle for which they had fought the Revolutionary war; and in enacting the fugitive slave law, they simply gave the assurance that they would protect their sister States in their right to a property which all the States had alike owned, which was recognized as property, and which only the circumstance of climate had transferred chiefly to the South—in other words, they gave an assurance that they would act honestly and fairly. In this there was no violation of principle.

In exchange for this assurance and for the three-fifths representation, they desired Virginia to agree to the prohibition of slavery in the North-western Territory. She did so—and in this there was no sacrifice of principle. Virginia had exactly the same right to agree to prohibition of slavery in her territory that Georgia had to make slavery perpetual in hers when she ceded it to the United States. She was also acting in accordance with the sentiments and principles which her greatest men had always maintained as regarding slavery to be a most dangerous element in the country. She may have felt it to be a compromise of her own *interests*, but she was willing to make that sacrifice for the sake of effect-

ing a permanent Union of the States, so necessary to their protection and prosperity. But in this whole transaction, we find no trace of selfishness nor any compromise of correct principles.

On the other hand, that so-called compromise, which Gen. Washington entitled a "*bargain,*" *was a distinct sacrifice of principle on both sides.* The Northern majority in the Convention, who by their votes imposed the continuance of the slave trade on the country for twenty years, professed to be opposed to slavery, and denounced it and the slaveholders often in most violent terms; yet they voted a clause into the Constitution forbidding Congress to prohibit the importation of slaves into this country for twenty years—and for what? To procure for themselves some advantages by which they could and did coin millions and millions of money. One of these advantages, and not the least, being that they themselves could still carry on the slave trade and reap its profits. Crying out against slavery, yet they *bargained* to have negroes stolen for twenty years, converting their flesh and blood into gold!

The two Southern States who made the bargain with them were equally guilty (or more so if possible, as they first made the proposition which was to work such dire injury to their own sister States as well as themselves) of a direct sacrifice of principle for what they mistakenly imagined to be their own interest. They had been in favor of the two-thirds vote, and were opposed to granting that power to the North over the South, which their majority would give to that section, unless controlled by such a restriction as the two-thirds provision in regard to the vote of Congress. But they, too, were tempted by the prospect of more and more wealth; and, utterly regardless of the remonstrances of the other Southern States, utterly reckless of the consequences to them, and to themselves as well, they entered into that accursed bargain which not only made all after attempts to rid the country of slavery and the negroes an utter

failure, but also placed the South at the mercy of the Northern majority in all legislation, her only safety in the after years consisting in the fact of her holding the balance of power as between the two great political parties of the North.

To this sacrifice of *principle* to *greed*, on the part of these contractors of a cruel and selfish bargain, to this *compromise* of *all right principle*, may be traced directly or indirectly the greater part, if not perhaps all, of the dissensions which have since arisen between the States.

But, however wrong, or mistaken, or by whatever name called, whether bargain, or covenant, or compromise (excepting as regarded the Ordinance of 1787, which was only an act of Congress), these compacts were made by sovereign States, acting in their sovereign capacity, whose right to do so could be questioned by no power on earth. Being confirmed in the most solemn manner by the members of the Convention, and afterward ratified by the people of the States, there was only one way to have gotten rid of the obligations imposed by them, and this was by amending the Constitution in those particulars.

Just here, however, lay the difficulty. To amend the Constitution by mutual consent was the one thing that was never practically recognized as the proper method to get rid of those obligations.

The truth is, whilst the men who made the Constitution were keenly alive to its defects, yet such was the necessity for Union among the States that they accepted it with all its faults as the best that could be procured in view of the great diversity of sentiment and interest between the States, trusting to the wisdom of future generations to so amend or alter it as might be best suited to the needs of those living under it. Mr. King, the most prominent of the Northern members, said he "had always expected that, as the Southern States are the richest, they would not league themselves with the

Northern, unless some respect were paid to their superior wealth. If the latter expect those preferential distinctions in commerce, and other advantages which they will derive from the connection, they must not expect to receive them without allowing some advantages in return."[1]

When, therefore, the Constitution came before the people of the States for their acceptance or rejection, its advocates so ignored its faults and blazoned its virtues in order to secure its acceptance, that loyalty to country and Constitution became synonymous terms. After a time the Constitution was held to be a sacred thing, and to alter it would have been looked upon almost as sacriligious.

Patrick Henry, who, with some others, most vehemently opposed its adoption, yet became, when once it was accepted, the most pronounced of its adherents, and advocated in the strongest terms the strictest obedience to its obligations.[2]

With the growth of this sentiment as to the sacredness of the Constitution, disappeared all possibility of its alteration by common consent.

Its provisions respecting slavery were:

1. The three-fifth representation.
2. The fugitive slave law.
3. The uninterrupted continuance of the slave trade for the period of twenty years, or until 1808.

And these were constitutional provisions, which neither Congress nor the States could, except by regular constitutional amendment, interfere with in any way.

However it came to be made, or by whatever name called, the compact of the Constitution, as regarded

[1] Madison's Papers.

[2] Patrick Henry denounced the defects of the Constitution, as at first made, so powerfully as to lead directly to the first ten amendments to it.

slavery, was rigidly adhered to during all the early years of the Republic.

The Quakers, at once upon the adoption of the Constitution, began to petition Congress to take steps for the abolition of slavery, and even Dr. Franklin signed one of the first, if not the first, of these petitions; though he had so recently signed the Constitution and so indorsed all its obligations; but upon the South's protesting against such legislation as a violation of the compact just made between the sovereign States, it was decided to lay all such petitions on the table without discussion, and this was the course pursued for many years.

In 1808, the slave trade was abolished by an act of Congress, and there is not a more interesting episode in our history than is furnished in the difficulty which was found in framing this act, which yet every member of Congress was anxious to pass.[1] The special points of difficulty were, what punishment to inflict upon the captains of the slave vessels,[2] and on the rich Northern merchants who owned them; and what disposition to make of the cargo; for it would be monstrous to have the slaves forfeited to the United States, and sold, as in the instance of ordinary forfeiture; and yet it would be inhuman to take them back to Africa, to be eaten by their cannibal foes or remanded to a worse slavery; whilst none of the States would be willing to have these savages fresh from the wilds of Africa landed on their shores, to become a burden upon society; ignorant as

[1] It had become a matter of finance with South Carolina and Georgia. So many slaves had been imported that their value had materially decreased, and they were as anxious to stop the trade now as they had been to encourage it before.

[2] It was at first proposed to hang the captains, but that seemed unfair unless the merchants were to be hung also; and a member from Rhode Island remarked that "a man ought not to be hung for merely stealing a nigger." The debates on these questions were exceedingly lively and animated.—Author.

they would be of the language, incapable of supporting themselves, and deprived of the only civilization possible to them, the civilization of slavery. The act was, however, finally shaped to meet all difficulties, and in such a way as not to interfere with the rights of any of the States, nor yet to make the United States a dealer in slaves, nor to inhumanly return them to their own country.

CHAPTER II.

Ordinance of 1787, by which slavery was prohibited in the Northwestern Territory ceded by Virginia to the United States—Virginia's assent to the ordinance—Her motives—Explanation of inconsistency in the prohibition of slavery by the Congress of 1787' and the continuance of the slave trade by the Constitutional Convention of 1787—Louisiana purchased—Treaty of purchase protects all rights of inhabitants—Sectional jealousies—Great Britain's plot to procure the secession of New England, the moving cause of the war of 1812—The Missouri difficulty begins in 1819—Mr. Clay, Speaker of the House, casts the deciding vote against territorial restriction in Arkansas.

In the debates of the Constitutional Convention on the questions of representation and taxation are to be seen, in most marked lines, the differences of opinion, of feeling, of ideas, and of interest, as they existed, even at that early day, between the Northern and Southern sections of our country, and which were only held in abeyance from the imperative necessity of union for self-protection, not only against foreign powers, but, also, from the aggressions and encroachments of the several States upon one another.

The Ordinance of 1787 having been regarded by many as next in importance to the Constitution, whilst by many others its constitutionality has been seriously questioned, and its provisions having been often referred to in all the debates on the Missouri Compromise, some statement as to its inception would seem to be in order. From the best sources of information at command of the author, it appears that the government, in 1780, being greatly in need of funds to carry on the war for Independence, the Continental Congress called upon several of the States, by a resolution of September 6th, to cede certain portions of their territory to the general government for the purpose of enabling it to raise those funds.

And, further, to induce the said States to accede to the proposition, on the 10th of October following, 1780, Congress passed this resolution:

"In Congress of the Confederation,
"Tuesday, *October* 10, 1780.

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States; that each State which shall be formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts and garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

"That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States, in Congress assembled, or by nine or more of them."

On the 1st of March, 1784, Virginia, in pursuance of the recommendation of Congress of the 6th of September, 1780, which declared that the lands so ceded should be "disposed of for the common benefit of the United States," made cession of all her territory, north of the Ohio River, to the United States; and which extended to the great lakes on the North and the Mississippi on the West.

An ordinance for the temporary government of this territory was then drawn up by a committee, of which Mr. Jefferson was chairman.[1]

[1] The following is a copy of Mr. Jefferson's plan:

"The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by individual States to the United States, whensoever the same shall have been purchased of the Indian inhabitants, and offered for sale by the United States, shall be formed into distinct States, bounded in the following manner, as nearly as such cessions will admit—that is to say: northwardly and southwardly by parallels of latitude, so that each State shall comprehend, from south to north, two degrees of latitude, beginning to count from the completion of *thirty-one* degrees north of the equator; but any territory northwardly of the forty-seventh degree shall make part of the State next below; and eastwardly and westwardly they shall be bounded, those on the Mississippi by that river on one side, and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the east by the same meridian on their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanawha; and the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State.

That the settlers within the territory so to be purchased and offered for sale, shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males, of full age, to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any State until it shall have acquired twenty thousand free inhabitants; when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves: *Provided*, that both the temporary and permanent governments be established on these principles as their basis: 1. (That they shall forever remain a part of the United States of America); 2. That, in their persons, property, and territory, they shall be subject to the government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject; 3. That they shall be subject to pay a part of the Federal debts contracted or to be contracted, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other

This ordinance included all the territory "ceded or to be ceded by the individual States" from the 31st degree of latitude (then our extreme southern boundary), and east of the Mississippi river, which was then our westward boundary. Among its other provisions was the following:

5. "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty."

A second report was made by the same committee, which agreed in substance with the first, only altering some minor details.

On the 19th of April, it was before Congress for consideration, and the clause above quoted, which prohibited slavery in the territory, was struck out, on motion of Mr. Spaight, of North Carolina.[1]

States; 4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title; 5. That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.*

This paper is indorsed as follows, in a different handwriting, supposed to be that of a clerk:

"Report—Mr. Jefferson,
Mr. Chase,
Mr. Howell.

Temporary government of Western Country,
Delivered 1 March, 1784,
Ent'd—Read—
March 3.

Monday next assigned for the consideration of this report.
March 17, 1784,
Recommitted." †

* I have left out what follows, which relates to their admission to the Confederation, and their names.

† See Appendix to Congressional Globe, Vol. 20, 1st Session, 30th Congress, page 294. Journals of Congress, Vol. 4, 1782-1785.

[1] "Congress took into consideration the report of a committee, consisting of Mr. Jefferson, Mr. Chase, and Mr. Howell, to whom was re-

After further consideration and amendment,[1] which committed their report of a plan for a temporary government of the Western Territory:

"When a motion was made by Mr. Spaight, seconded by Mr. Read, to strike out the following paragraph:

"'That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.' And on question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. Howell:

"New Hampshire,	Mr. Foster,	aye	aye
	Blanchard,	aye	
"Massachusetts,	Mr. Gerry,	aye	aye
	Patridge,	aye	
"Rhode Island,	Mr. Ellery,	aye	aye
	Howell,	aye	
"Connecticut,	Mr. Sherman,	aye	aye
	Wadsworth,	aye	
"New York,	Mr. De Witt,	aye	aye
	Paine,	aye	
"New Jersey,	Mr. Dick,	aye	aye
"Pensylvania,	Mr. Mifflin,	aye	aye
	Montgomery,	aye	
	Hand,	aye	
"Maryland,	Mr. M'Henry,	no	no
	Stone,	no	
"Virginia,	Mr. Jefferson,	aye	no
	Hardy,	no	
	Mercer,	no	
"North Carolina,	Mr. Williamson,	aye	div.
	Spaight,	no	
"South Carolina,	Mr. Reed,	no	no
	Beresford,	no	

"So the question was lost and the words were struck out."*

[1] "*Resolved:* That so much of the territory ceded, or to be ceded, by individual States of the United States, as is already purchased, or shall be purchased, of the Indian inhabitants and offered for sale by Congress, shall be divided into distinct *States*, in the following manner, as nearly as such cessions will admit: that is to say, by parallels of latitude, so that each State shall comprehend from North to South, two degrees of latitude, beginning to count from the completion of 45 degrees north of the equator, and by meridians of longitude, one of which shall pass through the lowest point of the rapids of the Ohio, and the other through the western cape of the mouth of the great Kenhaway: but the territory eastward of this last meridan, between the Ohio, Lake Erie and Pennsylvania, shall be one state, whatsoever may be its comprehension

* From the Journals of Congress, Vol. 4, 172-1783, p. 3783.

reduced the territory in question to that lying north of the Ohio River, which now became its southern boundary, instead of the 31st degree of latitude, as at first proposed, the report was agreed to, without the clause prohibiting slavery and involuntary servitude after the year 1800; ten States voting aye, one State, *South Carolina*, voting nay—Delaware and Georgia, absent.

This ordinance remained the law of the land until its repeal by the Ordinance of 1787.

In July, of 1786, Mr. Grayson, of Virginia, made a motion recommending it to the States of Massachusetts and Virginia that: "They so alter their acts of cession, that the States may be bounded," etc. After several amendments, the resolution of recommendation as to the alteration of the boundaries and number of States to be formed out of the territory passed, and concluded thus: "which States . . . shall have the same rights of sovereignity, freedom and independence as the original States, *in conformity with the resolution of Congress of the 10th of October, 1780.*"[1]

On May 9, 1787, a new ordinance was under consideration by Congress, and was being read the second time when Mr. Grayson offered an amendment that "the representative thus elected should serve 'three' years in place of two." The amendment was lost and

of latitude. That which may lie beyond the completion of the 45th degree between such meridian, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridian coinciding nearly with the parallel 39 degree shall be substituted so far in lieu of that parallel as a boundary line. . . . And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishing of their temporary government, shall have authority to keep a member in Congress, with a right of debating but not of voting."—(Journals of Congress, April 23, 1784, p. 379.)

[1] Journal of Congress, Vol. 11, p. 972.

the ordinance ordered to its third reading on the next Thursday.[1] But it would seem to have been indefinitely postponed, as on the 11th of July, 1787, a Committee consisting of Mr. Carrington and R. H. Lee, of Virginia, Mr. Dane, of Massachusetts, Mr. Smith, of New York, and Mr. Kean, of South Carolina, reported another and entirely different ordinance for the government of the North-western Territories, which was then read for the first time, re-read, and passed, on the 13th of July, by the vote of eight States, and with only one dissenting voice, Mr. Yates, of New York.[2]

This ordinance was much fuller in its provisions than

[1] Journal of Congress, Vol. 12, p. 48.

[2] FRIDAY, *July* 13, 1787.

Congress assembled: Present as yesterday.

According to order, the ordinance for the government of the Territory of the United States north-west of the river Ohio was read a third time and passed as follows:

AN ORDINANCE for the Government of the Territory of the United States north-west of the river Ohio.

Be it ordained, etc.

On passing the above ordinance, the yeas and nays being required by Mr. Yates,

Massachusetts,	Mr. Holten,	aye)	aye
	Mr. Dane,	aye	
New York,	Mr. Smith,	aye	
	Mr. Haring,	aye)	aye
	Mr. Yates,	no	
New Jersey,	Mr. Clarke,	aye)	aye
	Mr. Scheurman,	aye	
Delaware,	Mr. Kearny,	aye)	aye
	Mr. Mitchell,	aye	
Virginia,	Mr. Grayson,	aye	
	Mr. R. H. Lee,	aye)	aye
	Mr. Carrington,	aye	
North Carolina,	Mr. Blount,	aye	
	Mr. Hawkins,	aye)	aye
South Carolina,	Mr. Kean,	aye	
	Mr. Huger,	aye)	aye
Georgia,	Mr. Few,	aye	
	Mr. Pierce,	aye)	aye

So it was resolved in the affirmative.*

* Journal of Congress, Vol. 12, p. 58.

any previous one offered. It contained six articles which were declared to be "articles of compact between the original States and the people and States in the said Territory, unalterable, unless by common consent."

The 6th Article was the celebrated one prohibiting slavery forever in the Territory, and was offered by Mr. Dane, of Massachusetts, on the 12th of July. Mr. Force, when searching for material for his work, "American Archives," found the copy of the ordinance with all the alterations marked on it just as it was amended at the President's table, among which the clause respecting slavery remains attached to it as an amendment in Mr. Dane's handwriting in the exact words in which it now stands in the ordinance. Mr. Grayson, as did every representative from Virginia, voted for the entire ordinance, but he did not offer the 6th Article, as afterward stated by some, which is as follows:

"Article the 6th. There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted. *Provided always*, that any person escaping into the same, from whom labor or service is claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

Virginia, in accordance with the request of Congress, in 1786, to alter her deed of cession as regarded the boundaries of the new States and the number of them to be formed out of the ceded territory, did so alter her act of cession on Dec. 30, 1788. And, in the act of that date, she also confirmed fully *all* of the articles of compact of the Ordinance of 1787. For, after citing that part of this ordinance which "declared the following as one of the articles of compact between the original States and the people and States in said territory," she declares her assent to the terms of that article, which

contained this clause: "Whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent Constitution and State government. *Provided*, the Constitution and government so to be formed shall be republican, *and in conformity to the principles contained in these articles*," *etc.*[1]

[1] Henning's Statutes, Index, Vol. 12, page 780.

AN ACT concerning the territory ceded by this Commonwealth to the United States. [Passed the 30th of December, 1788.]

1. WHEREAS, the United States, in Congress assembled, did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons showing that a division of the Territory which hath been ceded to the said United States by this Commonwealth into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said Territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require.

And the said United States, in Congress assembled, hath, in an ordinance for the government of the Territory north-west of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, *declared the following as one of the articles of compact* between the original States and the people and States in the said Territory, viz.: "That there shall be formed in the said Territory not less than three nor more than five States, and the boundaries of the said States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in said Territory shall be bounded by the Mississippi, the Ohio, and the Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct lines, the Ohio, Pennsylvania, and the said territorial line. *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that

But whilst she thus certainly did, by implication at least, virtually and decidedly consent to *all* of the articles of the Ordinance of 1787, she did not in this act make any special mention of the 6th Article, nor any formal ratification of it. And, as that article was in direct contravention of the Act of 1780, which was in full force when her deed of cession was made, and which declared that the land so ceded should be "disposed of for the common benefit of the United States"—and also "that said lands" should be granted and settled as should be agreed on "by the United States, in Congress assembled, or any *nine* or more of them"—as it was contrary to the principle of the Ordinance of 1784, which had rejected all interference by Congress with slavery in the North-west Territory—and also of the Act of Recommendation of 1786, under which she had altered her deed of cession, and which stated expressly that the States to be formed out of that Territory "shall have the same rights of sovereignty, freedom, and independence as the original States, *in conformity with the resolution of Congress of the 10th of Octo-*

part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan; and whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent Constitution and State government. *Provided*, the Constitution and government so to be formed shall be republican, and *in conformity to the principles contained in these articles;* and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period; and when there may be a less number of free inhabitants in the State than sixty thousand: "And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said Territory. *Be it therefore enacted by the General Assembly*, that the afore-recited article of compact between the original States and the people, and the States in the Territory northwest of Ohio River, be, and the same is, hereby ratified and confirmed; *any thing to the contrary, in the deed of cession of said Territory by this Commonwealth to the United States, notwithstanding.*"

ber, 1780"—it was afterward claimed, that, inasmuch as Virginia had ceded her territory for the common benefit of the United States, the passage of an act by which not only her citizens, but the whole of the people of the Southern States, were virtually excluded from such territory (*inasmuch* as their system of labor was excluded), was not only unjust, but illegal and void, as not being contemplated in her act of cession. That, moreover, the Ordinance of 1787 was passed by the vote of only eight States, whereas the Resolution of 1780 expressly required the vote of nine States, or more, in any regulations made for the settlement of lands that might be ceded "to the United States by any particular State."

All of these circumstances were adduced to show that this article had no feature of compact about it—that it was merely an act of Congress; that as such it was not authorized by the Articles of Confederation, and was therefore illegal and void, Mr. Madison being quoted as having declared "that the act was without the shadow of constitutional authority."[1]

On the other hand, it was contended that the Act of 1780 gave to Congress the full right to make regulations for the Territories—that the eight States constituted the "Congress assembled," as contemplated in the said act—and therefore Congress could rightfully exclude slavery from the Territories.

Of course the two differing parties would naturally view the matter from their own different stand-points, and we can see how differences of opinion might honestly exist.

But every member of Congress from Virginia voted for the Ordinance of 1787; Virginia afterward made no opposition to it; and it was carried into effect. And then she was quoted as having proposed the 6th Article through Mr. Grayson; the prohibition of slavery in the

[1] John C. Calhoun's speech in Senate, June 27, 1848.

North-western Territory was commonly believed to have been her act, and was used as an argument for the constitutionality of prohibition of slavery, by Congress, in the Louisiana Territory.

The fact is, that on the 12th of July the Constitutional Convention had voted for the three-fifths representation of the slaves of the South in Congress, and on the 13th the old Congress voted for the Ordinance of 1787 prohibiting slavery in the North-western Territory, Some of the members of Congress were also members of the Convention, and doubtless the two measures had been discussed fully before they were offered. The 6th Article was no doubt the price paid by the South for the three-fifths representation and the fugitive slave law (*vice versa*), and Virginia's acquiescence in it was also without doubt one of the many sacrifices she made as being the only way to secure that Union of the States which she regarded as of paramount importance. For she had opposed this same provision when offered by Mr. Jefferson only a few years before, and now she acquiesced in it, for the same reason that she acquiesced in the Constitution, although containing that provision for the continuance of the slave trade, to which she was so much opposed; and the North-western Territory not being settled up by slave-holders, she probably felt that she was not depriving any one of rights or property therein by that acquiescence.

What effect might have been produced on the future of our country, had Mr. Jefferson's measure, applying the prohibition of slavery to all of our territory north of the 31st degree of latitude, succeeded, is interesting matter for speculation. How far it might have affected his purchase of the Louisiana Territory, with its slaves already owned by the French and Spanish inhabitants, or altered the terms of that purchase, can only be conjectured.

The motives that actuated Virginia and the other Southern States in rejecting that prohibition were evi-

dently of the same economic character as prompted the people of the Louisiana Territory in their petitions to Congress, made immediately after their admission to citizenship in the United States. In these petitions, which were signed by various townships from the mouth of the Missouri down to New Orleans—"St. Charles" and "Cape Girardeau" among them—Congress was implored "to permit them to make their own laws, to govern themselves and *not* to put them under control of the Governor of the Indiana Territory, where slavery had been prohibited; as they feared it might lead to the abolition of slavery in their own territory. That such a step would be ruinous to all their interests; that the levees on the banks of the Mississippi could not be kept up without the labor of the African slaves, who were capable, by nature and constitution, as well as previous surroundings, of enduring the heat and moisture of the climate and the malarial conditions of the country, which were such that no white man could stand doing any hard labor under them." The above is about the gist of these petitions, as recorded in the annals of Congress of that period.

It is a notable fact that in 1811, just when the entrance of Louisiana into the Union as a Slave State was being most bitterly opposed by the North and East, Indiana was petitioning Congress to permit her to have slaves for some years, in order to open up the country more rapidly than would be possible without slave labor. The proposition was laid before Congress, and was only defeated through the interposition of that great Virginian, John Randolph, of Roanoke.

Some writers have expressed surprise at the apparent incongruity between the act of Congress of 1787, prohibiting slavery in the North-western Territory, and the clause made by the Convention in forming the Constitution in 1787, which forbade Congress to prohibit the slave-trade for a period of twenty years. But the

reader of these pages will have seen the explanation of this apparently unexplainable inconsistency.

The one measure being a sacrifice of one interest to secure a greater interest, the permanent Union of the States; whilst the other was the result of a selfish greed for power and wealth on the part of the majority who carried their point against the opposition of the minority.

The first Congress under the new Constitution, assembled at New York in 1789, repassed the ordinance of the Congress of 1787 for the government of the Northwestern Territory—"In order that the ordinance may continue to have full effect." It was approved Aug. 7, 1789, and received its validity from Virginia's consent to the act of Congress.

PURCHASE OF LOUISIANA.

Missouri was a part of the Louisiana Territory which Mr. Jefferson, then President, had, in order to secure possession of New Orleans and the mouth of the Mississippi, purchased from Napoleon Bonaparte in 1803.

Napoleon had bought it from Spain in 1800, but the purchase had been kept a secret, and Spain was still in possession. The Spanish Intendent at New Orleans issued a proclamation in October, 1802, closing that port to the Americans, who, having no other outlet, from Pittsburg down, for their produce, which amounted to at least three millions of dollars yearly, became very much exasperated at the idea of the closure.

Mr. Jefferson at once sent commissioners to Spain, and then to France, to secure the opening of the port, peaceably if possible. While Congress, upon the motion of John Breckenridge, senator from Kentucky, passed a bill authorizing the President to order out 80,000 militia to be armed, equipped and organized, ready to march on New Orleans at a moment's notice.[1]

[1] See Annals of Congress.

This firm and dignified attitude of our government, together with the fear lest England, his hated enemy, might swoop down from Canada upon his American possessions, decided Napoleon to sell the whole territory for about fifteen millions of dollars. It extended from the Lake of the Woods on the North to the Sabine (or the Rio Bravo) on the South; to the East it joined the Floridas, which were still owned by Spain, and on the West embraced the Missouri River with its tributaries, and the high table-lands which extended to the divide of the Rocky Mountains. The boundaries were not very clearly defined, being only stated in the treaty to be the same territory which had been transferred to France by Spain two or three years previous in the treaty between those two powers.[1]

The cultivated parts of this territory, which lay mainly on the banks of the Mississippi, were occupied chiefly by French and Spaniards, who all owned slaves.

It was made a part of the treaty of purchase that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."[2]

Slaves were, at that time, recognized as property by the Constitution. Not only were they bought and sold under its provisions, but the States were required by it to surrender up to their owners any slaves who might escape from one State into another. In this there was

[1] The circumstances and details of this purchase are so interesting and the purchase itself so important as to entitle them to an entire chapter. But time forbids the rewriting of these matters, which were fully set forth in my manuscript, lost when my house was burned, March 8, 1893.

[2] Date of treaty, April 30, 1803. See Annals of Congress of that year.

the fullest possible recognition of this species of property as such, and it was made in the compact of the Constitution between the sovereign States.

The Eastern (or Northern) States had shown a strong feeling of jealousy of the South and West, due perhaps to that "superior wealth" to which Mr. King above alluded; and they were greatly opposed to the purchase of Louisiana.

It had required all of Washington's address to keep down the sectional jealousies between the Southern and Eastern troops during the dark days of the Revolutionary War; and in 1786 the seven Northern (or Eastern) States had attempted to give up the right to the navigation of the Mississippi River for twenty-five years in consideration of certain commercial advantages promised them by Guardoquoi, the Spanish minister. The Southern and Western States opposed this project vehemently, and in consequence the Eastern States showed a disposition to secede from the Union, even at that early day. In a letter to Gov. Henry, of Virginia, Mr. Monroe states "the object in the occlusion of the Mississippi . . . is to break up the settlements on the western waters, . . . so as to throw the weight of the population eastward and keep it there, to appreciate the vacant lands of New York and Massachusetts."[1]

In this connection the following extracts from letters of Mr. Adams and Mr. Jefferson are of great interest. The letters were preserved in a scrap-book, and extracts are taken from the unpublished manuscript of an article written by a resident of New York (an accomplished writer) in 1867, which was intended to show Massachusett's real position as to disunion in the past. "In 1828," says this writer, "John Quincy Adams, then President, declared publicly that 'a disunion party existed in New England at the period of the embargo, and

[1] Wm. Wirt Henry's Life of Patrick Henry, Vol. 2, pp. 296–7.

had existed there for several years; that he knew this from unequivocal evidence.'

"In answer to a public letter addressed to him calling for 'a precise statement of the facts and evidence relating to this accusation,' President Adams replied, December 30, 1828:

"The design had been formed in the winter of 1803 and 1804, immediately after and *as a consequence of the acquisition of Louisiana.*

". . . This plan was so far matured that the proposal had been made to an individual to permit himself, at the proper time, to be placed at the head of the military movement which, it was foreseen, would be necessary for carrying it into execution. . . .

". . . That project, I repeat, had gone to the length of fixing upon a military leader for its execution, and although the circumstances of the times never admitted of its execution, nor even of its full development, I had yet no doubt in 1808 and 1809, and have no doubt at this time, that it is the key of all the great movements of these leaders of the Federal party in New England from that time forward till its final catastrophe in the Hartford Convention. . . ,

"The annexation of Louisiana was believed to be unconstitutional, but it produced no excitement to resistance among the people. Its beneficial consequences to the whole Union were soon felt, and took away all possibility of holding it up as the *labarum* of a political religion of disunion. The projected separation met with other disasters, and slumbered till the attack of the 'Leopard' on the 'Chesapeake,' followed by orders in Council of 11th of November, 1807, led to the embargo of the 22d of December of that year.

"The question of the Constitutionality of the Embargo was solemnly argued before the District Court of the United States at Salem; and although the decision of the Judge was in its favor, it continued to be argued to the juries, and even when silenced before them, was, in

the distemper of the times, so infectious that the juries themselves habitually acquitted those charged with the violation of that law. . . I forbear to pursue the narrative. The two postulates for disunion were nearly consummated. The interposition of a kind Providence, restoring peace to our country and the world, averted the most deplorable of catastrophes, and, turning over to the receptacle of things lost upon earth, the adjourned convention from Hartford to Boston extinguished (by the mercy of God may it be forever!) the *projected New England Confederacy.*"

Further on in the manuscript is given a letter from Mr. Jefferson, written to "Gen. Dearborn, March 17, 1815," in which he says: "Oh, Massachusetts, how have I lamented the degradation of your apostasy! Massachusetts, with whom I went with pride, in 1776, whose vote was my vote on every public question, and whose principles were then the standard of whatever was free or fearless. But then she was under the counsels of the two Adamses, while Strong, her present leader, was promoting petitions for submission to British power and British usurpation."

When, in 1811, the Territory of Orleans (as it had been named), now the State of Louisiana, applied for admission into the Union as a Slave State, the opposition of some of the Northern members was most violent, on the ground that "it would throw too much weight at that end of the Union."

Mr. Quincy, of Massachusetts, declaring that her admission would be "virtually a dissolution of the Union," . . . and he says: "We have been told that 'New Orleans was the most important place in the Union.' A place out of the Union the most important place in it!"[1]

It seems a strange thing now that such a jealousy of

[1] See Annals of 11th Cong., Sess. 3, pp. 524–541.

the South and West should ever have existed in the North and East, and especially so that the great and beautiful City of New York should ever have been jealous of the prosperity of New Orleans; yet such was the case.

New Orleans, however, appeared then to be the coming city of the New World. She was the great emporium of all the commerce west of the Alleghany Mountains. Down the broad waters of the Mississippi and from all the country bordering the beautiful Ohio, floated the produce of the West and South to find its outlet at the Crescent City. In her harbor there floated to the breeze the flags of all nations, and on her streets were gathered, in search of fortune, men of every nationality. Jews and Turks, Russians and Poles, Germans, French, Spaniards, English, Scotch, Irish, Italians, Moors—all congregated there, and jabbered to one another in unknown tongues—but all with one purpose, the eager pursuit of wealth—and all regarding New Orleans as the El Dorado which held forth a brilliant and successful future to their grasp. From the day that the keys of New Orleans were, with great pomp and ceremony,[1] handed over by Monsieur Peter Clement Laussat to Gov. Claiborne and Gen. Wilkinson, our Commissioners, and the United States flag was hoisted amid the joyous acclamations of her people, who were now released from all allegiance to any other power, that city had grown in importance and distinction; and the sectional jealousy already rife in the East was still further increased by the growing prosperity of New Orleans. Doubtless this feeling was known in England and suggested to her a most remarkable project in which she most signally failed.

One of the immediate and most moving causes of the War of 1812 has, so far as the writer knows, been set down in but few of the many histories written of that

[1] See American State Papers for account.

time; and that was the attempt on the part of Great Britain to procure the secession of a part, or the whole, of the New England States.

On the 9th of March of that year, Mr. Madison, President, laid before Congress, in a special message, the official correspondence between the British Government and their agent, one John Henry, which proved that "in the midst of amicable professions and negotiations on the part of the British Government through its public ministers here, a secret agent of that government was employed in certain States, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation; . . . and eventually, in concert with a British force, of destroying the Union, and forming the eastern part thereof into a political connection with Great Britain."[1]

This British agent stated that he had resided for three years in Boston, and spent his whole fortune in wining and dining the high officials of the State, and in endeavoring to promote his project by seducing from their allegiance to the Republic the loyal citizens of the New England States. But their devotion to the principles of liberty defeated and nullified all his efforts.

When, at length, he had spent his entire estate and asked of the British Government the reward that had been promised him of a government position which would secure him a good living, they turned a deaf ear alike to his entreaties and remonstrances. The home government referred him to the Governor of Canada; the Governor of Canada, in turn, referred him to the home government.

Wearied at length, and worn out by the ineffectual effort to obtain the promised reward, he determined to take his revenge by laying the whole matter before the Government of the United States.

[1] See President's Message, of 12th Cong., Part 1, p. 1162.

He further stated that he was "influenced by a just resentment of the perfidy and dishonor of those who first violated the conditions upon which I received their confidence"—that is, when it was found the project could not be counted on as likely to succeed, he was refused the position promised him for his labor, and he declares no choice is left him "but between a degraded acquiescence in injustice, and a retaliation which is necessary to secure to me my own self-respect"—which retaliation consisted in giving up the whole correspondence to Mr. Monroe, then Secretary of State. The letters bore date of 1809—and some of the ideas expressed therein as to the motives of the British Government are so illustrative that they will bear transcribing, especially as they received the approval of the highest officials of that government.[1]

EXTRACTS FROM CORRESPONDENCE.

"To bring about a separation of the States under distinct and independent governments . . . can not be effected but by a series of acts and a long-continued policy tending to irritate the Southern and conciliate the Northern people. . . . The mode of cherishing or depressing either is too obvious to require illustration. This is an object of much interest to Great Britain, as it would forever secure the integrity of His Majesty's possessions on this Continent, and make the two governments as useful and as much subject to the influence of Great Britain as her Colonies can be rendered."[2]

. . . "It should, therefore, be the peculiar care of Great Britain to foster divisions between the North and South, and, by succeeding in this, she may carry into effect her own projects in Europe, with a total dis-

[1] See Correspondence, given in full in Annals of Congress of that year.

[2] 12th Cong., Part 1, pp. 1172, 1173.

regard of the resentments of the Democrats of this country." [1]

The Secretary of State reported that "no person or persons had been named as being concerned in the said project referred to." [2]

The Committee on Foreign Relations, Mr. Calhoun, Chairman, in making their report of the matter, stated that it presented "conclusive evidence that the British Government, at a period of peace, and during the most friendly professions, have been deliberately and perfidiously pursuing measures to divide these States, and to involve our citizens in all the guilt of treason and the horrors of a Civil War." [3]

In another report, made on the 3d of June, they say, after reciting various wrongs, "Your Committee would be much gratified if they could close here the details of British wrongs; but it is their duty to recite another act of still greater malignity than any of those which have been already brought to your view. The attempt to dismember our Union, and overthrow our excellent Constitution, by a secret mission, the object of which was to foment discontent and excite insurrection against the constituted authorities and the laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there is no bound to the hostility of the British Government toward the United States; no act, however unjustifiable, which it would not commit to accomplish their ruin." . . . And, "relying on the patriotism of the nation, . . . your Committee recommend an immediate appeal to arms." . . .

War was declared on the 18th of June. The West and South sprang to arms at once with the greatest alacrity, and carried the war to a successful conclusion; but some portions of the Eastern States, although they had rejected the idea of separation, were evidently

[1] 12th Cong., Part 1, p. 1174.
[2] Idem, 1181.
[3] Idem, Sess. 2, p. 1220.

greatly disaffected toward the government; and the governors of two of the New England States, Massachusetts and Connecticut, refused point blank to furnish their quota of militia, when called upon by the President to do so—Gov. Strong, of Massachusetts, declaring, in his letter of refusal, "The people of this State appear to be under no apprehension of an invasion."[1]

And, further, that "the Governor of Nova Scotia had, by proclamation, forbid any incursions or depredations upon our Territories."[2]

Gov. Griswold, of Connecticut, thought that "the declaration of the President, that there is imminent danger of invasion, . . . is not, in my opinion, warranted by those facts"—and by, and with, the advice of his Council, he declines to do any thing except to provide for the safety of Connecticut.[3]

When the war was ended, in the negotiation of the Treaty of Ghent, the representatives of Great Britain proposed that we should surrender our right to the great Mississippi River, sharing it with England, and, but for Mr. Clay's determined opposition, the project would have carried, as the Eastern Commissioners were in favor of it.

These circumstances are mentioned to show the early sentiment of a portion of the Eastern States, not only toward the South and West, but to the government itself; a certain lack of loyalty on the part of some, which found its expression in the Convention of Hartford, which was held with closed doors, but was believed to be in favor of the secession of the Eastern States to England; whilst the people of the Western and Southern States showed a devotion to the government which they had helped to found that was equaled only by their courage in maintaining it.

In 1818, however, when the Missouri difficulty first

[1] 12th Cong., Sess. 2, p. 1298.
[2] Idem, p. 1299.
[3] Idem, pp. 1308–1310.

came up, the Republic had passed safely through all the trials of her struggling infancy, and had grown to be prosperous and united to a degree unknown at any previous time.

From thirteen disunited, independent States on the Atlantic coast, she had grown to be a Federal united power with her territory extending from the lakes to the gulf, and from the Atlantic Ocean to the Rocky Mountains.

As, to the far-seeing statesmanship of Patrick Henry and the great military genius of General George Rogers Clarke, we were indebted for possession of the beautiful country between the Ohio River and the Great Lakes; to Messrs. Jefferson, Livingston, and Monroe for the acquisition of the Louisiana Territory and the Mississippi River; and to Mr. Clay for the preservation, intact, of our right to that great river; so now, Mr. Adams was bringing to a peaceful conclusion the long-disputed question of boundary between the United States and Spain; by whose settlement we acquired the two Floridas, then regarded as very important because of their strategic position.

The successful issue of the war of 1812 had settled forever the question of the secession of any part of our territory to any alien power whatever.

Our army had covered itself with glory at the battle of New Orleans, where our raw militia had vanquished most signally those veteran troops of the Duke of Wellington, who had shortly before conquered the armies of the great Napoleon in the Peninsular war; and our navy had distinguished itself in many battles. We had conquered peace with all the world, the Republic was everywhere recognized as a power on the earth, and our government commanded the respect and admiration of all foreign powers.

The invention of the cotton gin in 1793 had enriched the South wonderfully, raising the value of her slave

labor, and enabling her to supply the markets of the world with her cotton.

Their infant industries having been fully established, the Eastern and Northern States saw plainly how excellent a market was opened to their manufacturers in the agricultural South and West. The South furnished the North her cotton, the North returned it in manufactured goods, while the Middle States supplied grain and meat to both.

It was one grand system of free trade.

A new era of peace and prosperity seemed to dawn upon the Republic. On all sides the pride and love of country appeared to be at their height. It was upon this clear sky that the Missouri storm broke and raged for three long years.

In 1783, before the present Union was formed, the States south of Mason and Dixon's line (which separated Maryland and Virginia from Pennsylvania) owned over 600,000 square miles of territory, whilst the States north of that line had less than 200,000 square miles. After Virginia had yielded up to the Confederated Government the great North-western Territory, as it was then called, extending out to the Mississippi (embracing about 250,000 square miles), and slavery was prohibited in all that territory by the Ordinance of 1787, an imaginary Mason and Dixon's line was drawn along the Ohio River, all north of which was free territory.

The new States formed out of this territory were peopled with unexampled rapidity, and at the time of the Missouri difficulty the Northern States had such an increase in population over the Southern States as to give them a majority in the House of Representatives.

Hitherto there had been a tacit agreement that the balance of power between the States should be preserved; and it had been the fear, lest this balance should be disturbed, that had rendered some of the Eastern States so opposed to the purchase of the Louisiana territory.

The new States had entered the Union with alternate

regularity as slave and free. Kentucky and Vermont had come in at about the same time; then Tennessee and Ohio; next Louisiana, and some years after Indiana: then Mississippi and Illinois had wheeled into line. Alabama as a slave territory, and Maine as free, were ready to enter as States; and Arkansas and Michigan were in sight. But there was no other northern or free territory ready to enter the Union as an offset to Missouri, and her entrance as a slave State would not only break the routine as it had been heretofore kept up, but might at no distant time turn the scales in favor of the slaveholding States, and give the South that majority in the House which the North now enjoyed.

This fact decided the Northern majority in the House not to admit her, except with a prohibition of slavery, although her people were composed almost entirely of slaveholders from the States of Virginia, Kentucky, Tennessee, and North Carolina, who had emigrated to Missouri and carried their slave property along with them; whilst her former inhabitants had owned their slaves both under Spanish and French dominion, and it was well understood that she desired to enter the Union with her slave property untouched by Federal interference.

But there was another point in the matter which weighed perhaps equally with the political aspect of the case, and which the South may not have fully appreciated in its relation to the action of the North in opposing the entrance of Missouri. *Slavery precluded the laboring white man of the North*, quite as effectually from emigrating to any State where it existed, as did any law of Congress preclude the slaveholder from taking his slave property to any territory in which slavery had been prohibited.

And now this beautiful and fertile Territory of Missouri was preparing to enter the Union with an institution that would shut out from her borders the freemen of the North, who scorned to compete with slave labor.

To the two causes above recited, the desire for political power and for the Territory, on the part of the North, was due the intense opposition by the Northern majority in Congress to the entrance of Missouri into the Union as a Slave State, although every principle of the Constitution demanded that the local and domestic affairs of each State should be controlled by itself, whilst the treaty of purchase, and every principle of honor and good faith in regard to that treaty, as well as justice to the inhabitants of Missouri, demanded that she should be given admission as soon as she was entitled to it under the established practice of the government and "according to the principles of the Constitution."

Missouri, through her delegate, Mr. Scott, petitioned Congress, in January, 1818, that she might be erected into a State and admitted into the Union "on an equal footing with the original States." The petition was referred as usual, but not until the 13th of February, 1819, was the bill for her admission taken up for consideration by the House.

Mr. Tallmadge (of New York) then at once moved an amendment to limit the existence of slavery in the new State and providing for gradual emancipation.[1]

This motion gave rise to a wide debate in which Mr. Clay and others opposed the proposition.

On the 15th, Mr. Clay, then Speaker of the House, again spoke in opposition to Mr. Tallmadge's amendment. His speech is not reported, but he is quoted by Mr. Taylor (of New York) quite extensively: "One of the gentlemen from Kentucky (Mr. Clay) has pressed into his service the cause of humanity. He has pathetically urged us to withdraw our amendment and suffer this unfortunate population to be dispersed over the country. He says they will be better fed, clothed, and sheltered, and their whole condition will be greatly

[1] Annals of 15th Congress, Sess. 2, Vol. 1, p. 1166.

improved." After referring to the character of the people who, coming "from the Eastern hives with a rapidity never before witnessed, have changed the wilderness between the Ohio and Mississippi into fruitful fields," . . . Mr. Taylor says, "Will these people settle in a country where they must rank with negro slaves?" . . . "He (Mr. Clay) is governed by no vulgar prejudices, yet with what abhorrence did he speak of the performance, by your wives and daughters, of those domestic duties which he was pleased to call 'servile?' What comparison did he make between the 'black slaves' of Kentucky and the 'white slaves' of the North, and how instantly did he strike a balance in favor of the condition of the former? If such opinions and expressions, even in the ardor of debate, can fall from that honorable gentlemen, what ideas do you suppose are entertained of laboring men by the majority of slaveholders?"[1]

In another debate on the same question, Mr. Scott, delegate from Missouri, quotes Mr. Taylor as saying, "If ever he left his present residence, it would be for Illinois or Missouri; at all events he wished to send out his brothers and his sons." And then Mr. Scott, after commenting on this, "hoped the House would excuse him while he stated that he did not desire that gentleman, his sons, or his brothers in that land of brave, noble, and independent freemen. . . . What! starve the negroes, pen them up in the swamps and morasses, confine them to Southern latitudes, until the race becomes extinct, that the fair land of Missouri may be tenanted by that gentleman, his brothers, and his sons?"[2]

In the remarks of these two speakers, we discern the key-note to the whole struggle.

The debate was continued with unremitting violence, Mr. Cobb (of Georgia) declaring, "If you persist, the

[1] Annals of 15th Congress, Sess. 2, Vol. 1, pp. 1175–77.
[2] Idem, p. 1202.

Union will be dissolved," and Mr. Tallmadge (of New York) retorting, "Sir, if a dissolution of the Union must take place, let it be so! If Civil War, which gentlemen so much threaten, must come, I can only say, let it come."[1]

Mr. Tallmadge's amendment consisted of two propositions, one for "the prohibiting the further introduction of slavery," and the other that "all children born within said State after the admission thereof into the Union shall be free at the age of twenty-five years." Both passed, but by only small majorities, some of the Northeners voting with the Southern minority.[2]

Mr. Storrs (of New York) "moved to strike out so much of the bill as says that the new State shall be admitted into the Union—'on an *equal footing with the original States*.'"

After the vote just taken, Mr. S. said: "there was a manifest inconsistency in retaining this provision."[3]

This motion was negatived. The Annals here say: "Mr. Scott (Missouri delegate), and Mr. Anderson, of Kentucky (Richard C.), greatly as they had been opposed to the insertion of the provision which had been so much debated, yet preferred taking the bill as it stood, to rejecting it."

The bill was then passed by 97 to 56 and sent to the Senate for its concurrence. The Senate struck out both clauses restricting slavery and returned it to the House. . . . The House refused to concur with the action of the Senate, and the bill was of course lost.

The excitement on the subject was intense; the North being fully determined to appropriate for her own people, and as free territory, this beautiful, fertile and great State, already settled up, well opened to cultivation, and most tempting in its fairness of scenery, of soil and of climate; whilst the South resented deeply

[1] Annals of 15th Congress, Sess. 2, Vol. 1, p. 1204.
[2] Idem, p. 1214. [3] Idem, p. 1215.

and bitterly the open statements of the North that slavery should never go beyond the Mississippi River—that the South was to be deprived of the use of all that territory purchased equally with her money as with that of the North, and more than equally with her blood; that Missouri, a territory which had been settled up by Kentuckians, Tennesseans, Virginians and North Carolinians, should be deprived of her sovereign right to hold her slaves if she chose, when that right belonged to every other State in the Union; Mr. Cobb (of Georgia) declaring that "they were kindling a fire which all the waters of the ocean could not extinguish. . . . It could be extinguished only in blood."

The Arkansas Territory had meantime been taken off from the Territory of Missouri, and on Feb. 17th, the day after the passage by the House of Mr. Tallmadge's amendment, the bill to provide a territorial government for Arkansas being before them, Mr. Taylor (of New York) moved to amend it by inserting a paragraph prohibiting the existence of slavery therein, similar to Mr. Tallmadge's amendment.

This motion gave rise to another wide and long continued debate in which Mr. Clay must again have left the Speaker's chair to take part, as Mr. Taylor quotes from his speech:

"The gentleman from Kentucky (Mr. Clay) has asked," said Mr. T., "what the people of the South have done, that they are to be proscribed, and had expressed his deep regret at the introduction of this amendment." . . . "The gentleman from Kentucky (Mr. Clay) has charged us," said Mr. T., "with being under the influence of negrophobia." . . . "The honorable Speaker," said Mr. Taylor, "has asked us if we wish to coop up our brethren of the Slave-holding States, and prevent the extension of their population and wealth."[1]

On the next day the vote was taken on the amendment

[1] Annals of 15th Congress, Sess. 2, Vol. 1, pp. 122–23–24.

of Mr. Taylor. The first clause of it, prohibiting the further introduction of slaves into the territory was defeated by one vote—yeas 70, nays 71. The second clause, which freed all the children of slaves, hereafter born in the territory, at the age of twenty-five years, passed by a vote of 75 to 73.[1]

On the 19th, Mr. Robertson, of Kentucky, with a view of obtaining an erasure of the amendment adopted on the day previous, moved to recommit the bill to a select committee with instructions to strike out the second clause. On this the vote stood 88 to 88. The Annals say: "There being an equal division, the Speaker declared himself in the affirmative and so the said motion was carried."

The House then concurred with the select committee by 89 to 87.[2] This is the only recorded vote of Mr. Clay that was given on this subject whilst he was Speaker of the House—and this vote decided the question at issue so far as Arkansas was concerned, as to the prohibition of slavery there and the consequent exclusion of the Southern people from that territory. From Mr. Clay's steady advocacy of non-interference with the rights of the Southern people on this question, we see plainly what his views and sentiments were in regard to those rights, viz.: their right to self-government and to their equal share in the territories. And this, notwithstanding that his own personal preference and judgment were in favor of emancipation all his life, as he evidenced when, previous to the assemblage of the Kentucky Constitutional Convention of 1799, he made speeches and wrote essays, urging emancipation as the wisest thing for the State, although he knew popular sentiment to be utterly opposed to it, and that he risked his own popularity; and again in 1849, when he wrote his celebrated emancipation letter, previous to the Convention of that year.

[1] Annals of 15th Congress, Sess. 2, Vol. 1, p. 1238.
[2] Idem, Vol. 2, pp. 1272–73.

CHAPTER III.

1819-20—Act of 1820, commonly called "The Missouri Compromise"—Prohibition of slavery north of 36° 30′ offered by Mr. Thomas, of Illinois, as an offset to the admission of Missouri with her slave property into the Union—Intense excitement over the whole country—Proposition accepted as the only way to prevent disruption of the Union—Half of the Southern (and most distinguished) members of the House vote against it as being unconstitutional and unjust.

It has been the popular belief for more than half a century that Henry Clay was the author of the Act of 1820, generally known as the Missouri Compromise Act, that it was a Southern measure, and in the nature of a compact between North and South; and this belief has been made the basis of the statement that the repeal of a portion of this act by that party (the Democratic) which was in favor of doing justice to the South, at the suggestion of a Southern man and a Whig, viz., Hon. Archibald Dixon, of Kentucky, was a breach of good faith toward the North, and in violation of a compact between the North and South.

On the contrary, the facts all go to show that Mr. Clay had nothing whatever to do with the authorship of this measure; that it was not, in any sense, a Southern measure; as the prohibition of slavery in the Territories was proposed by Northern men exclusively, was opposed continuously for two sessions of Congress by every Southern man, and was finally forced upon the South by a Northern majority; not exactly at the point of the bayonet, but through the love of the South for the Union, which was so great as to impel her representatives to surrender her just rights rather than sever that Union to which her people were so devotedly attached.

The facts also show that this act was not only *not* a

compact between the North and South, but was not so regarded nor so treated by the North at the time, as it was repudiated by the Northern majority at the next session of Congress, in less than a year after its passage; which, of course, would not have been done had it been considered truly a compact; as was afterward claimed, purely for political purposes.

In truth, this act was not even a compromise; it was, instead, a surrender—a surrender of one right in order to secure another right which was threatened. It was a yielding up, by a weaker to a stronger power, of the rights of a *third party*,[1] which did not belong to those who yielded them. It was an unconstitutional as well as an illegal surrender, for Congress never owned what was taken away by the Northern and given up by the Southern members. While Congress had the right "to make all needful rules and regulations" for the government of the Territories, no power was ever delegated to Congress to parcel out the Territories of the United States in such a way as might deprive any of her citizens of their just rights and title therein. So that the entire Congress could have had no right to prohibit the citizens of any State from emigrating to the Territories and carrying their property with them, as such prohibition *would* deprive a large portion of citizens of their just and unquestionable title therein.

It was this prohibition which was repealed on the motion of Mr. Dixon in 1854—a prohibition offered solely by Northern men, opposed steadily by Southern men; and the bill for the admission of Missouri, with this prohibition attached to it, being assented to by them *only* when they believed the Union would be dissolved unless they did so assent; a prohibition which was at most only an act of Congress, and which we will see that it was proposed to repeal at the next session of Congress, when Missouri was refused admission into the

[1] The citizens of the slave-holding States.

Union by the Northern majority notwithstanding the compact *so-called.*

The attention of the reader is especially invited to the statements in this chapter, even though they be a little tedious; as they bear directly on these points, and are taken from the Annals of Congress itself.

As soon as Congress assembled in December of 1819, Alabama, Maine, and Missouri appeared before it, asking for admission into the Union. Alabama was admitted at once, without question, although her Constitution made slavery perpetual. Georgia had, however, made her stipulations in the matter before she ceded her territory to the United States.

Missouri's memorials were referred to a select committee of the House, when Mr. Strong (of New York) at once gave notice that he should ask leave to introduce a bill to prohibit the further extension of slavery in the Territories.[1]

On the 14th of December, Mr. Taylor (of New York also) proposed that "a committee be appointed to inquire into the expediency of prohibiting by law the introduction of slaves into the Territories of the United States west of the Mississippi." He spoke of the "excited feelings" produced by the question of slavery, both in Congress and out of it, during the last session. And now, from a Northern man, Mr. Taylor, comes the *first suggestion of compromise.*

"If," said he, "a compromise of opposite opinions was to be effected, it appeared to him better that a Committee be appointed, etc., and the question be not taken up until the Committee had expended its best efforts, etc,"[2]

Mr. Scott, of Missouri (delegate), objected to "postponing the bill to February the 1st. If it were to be ultimately lost, the people of Missouri should have time to act for themselves and frame a form of government,

[1] 16th Cong., Sess. 1, Vol. 1, p. 764. [2] Idem, pp. 732–734.

which he was convinced they would do, without waiting again to apply to Congress for the mere means of organization."[1]

These echoes of passion but faintly indicate the storm of feeling which had raged over the whole country since the discussion of the question by the Congress of the year before. Town meetings had been held, city meetings, county meetings, cross-roads meetings. Memorials from nearly all the Legislatures of the States were sent to Congress, beginning as soon as its session opened; the Northern States protesting "in the name of humanity and freedom against the further extension of slavery in the Territories, and against the admission of Missouri without the prohibition of slavery within her borders;" the Southern States protesting "in the name of justice and the Constitution against the exclusion of the South from the Territories, to which she had an equal, if not a superior, right with the North—by virtue of her treasure expended in their purchase, and of her blood shed in the maintenance of the Union—and against the depriving the citizens of Missouri of the property in their slaves, to which they were entitled both by the treaty of purchase and the Constitution of the United States;" whilst petition after petition poured into Congress from the people of the Northern States, asking for the prohibition of slavery in Missouri, and insisting that no more States be admitted without this prohibition. The most intense excitement continued to prevail every-where, and the dark and portentous shadow of the dissolution of the Union hung like a pall over the hearts and lives of men, paralyzing the industries of the country, as the winter passed on without any prospect of the settlement of the question, and seriously damaging its material interests.

The Committee which had been appointed on Mr. Taylor's motion could not come to any agreement, and,

[1] 16th Cong., Sess. 1, Vol. 1, p. 736.

at their own request, were discharged from further consideration of the subject.[1]

Shortly after, December 30th, the bill for the admission of Maine was about to be reported to the House, when "Mr. Clay (Speaker) said he was not yet prepared for the question. He was not opposed to the admission of the State of Maine into the Union. . . . But, before it was finally acted on, he wished to know, he said, whether certain doctrines of an alarming character—which, if persevered in, no man could tell where they would end—with respect to a restriction on the admission of States west of the Mississippi, were to be sustained on this floor. He wished to know what was the character of the conditions which Congress had a right to annex to the admission of new States; whether, in fact, in admitting a new State, there could be a partition of its sovereignty. . . . If beyond the mountains Congress can exert the power of imposing restrictions on new States, can they not also on this side of them? If there they can impose hard conditions—conditions which strike vitally at the independence and the power of the State—can they not also here? If, said he, the States of the West are to be subject to restrictions by Congress, whilst the Atlantic States are free from them, proclaim the distinction at once; announce your privileges and immunities; let us have a clear and distinct understanding of what we are to expect."[2]

Mr. Holmes (of Massachusetts), who was the chief advocate for Maine's admission, replied to Mr. Clay, and asked: "Will any one say we ought not to be admitted into the Union? We are answered, yes; and that, unless we agree to admit Missouri unconditionally, we ought not to be admitted! I hope the doctrine did not extend quite as far as that." (Mr. Clay here said in an undertone, yes, it did.)"[3]

[1] 16th Cong., Sess. 1, Vol. 1, p. 801.
[2] Idem, pp. 831, 832.
[3] Idem, p. 834.

Further on, Mr. Clay remarked that, "since the question was put, he would say at once to the gentleman from Massachusetts, with that frankness which perhaps too much belonged to his character, that he did not mean to give his consent to the admission of the State of Maine into the Union as long as the doctrines were upheld of annexing conditions to the admission of States in the Union from beyond the mountains. *Equality*," said he, "*is equity*.[1] If we have no right to impose conditions on this State, we have none to impose them on the State of Missouri. . . . The gentleman from New Hampshire would find himself totally to fail in the attempt to establish the position that, because the Territory of Missouri was acquired by purchase, she is our vassal, and we have a right to affix to her admission conditions not applicable to the States on this side of the Mississippi. The doctrine," said Mr. C., "is an alarming one, and I protest against it now, and whenever or wherever it may be asserted . . . that any line of distinction is to be drawn between the Eastern and Western States."[2]

Again, in the debate, "A State in the quarter of the country from which I come, said Mr. C., "asks to be admitted into the Union. What say the gentlemen who ask the admission of the State of Maine into the Union? Why, they will not admit Missouri without a condition that strips it of an essential attribute of sovereignty. What, then, do I say to them? That justice is due to all parts of the Union: your State shall be admitted free of conditions; but, if you refuse to admit Missouri also free of conditions, we see no reason why you shall take to yourself privileges which you deny to her, and until you grant them also to her, we will not admit you. . . ." Although he might be forced to withhold his assent to the admission of Maine if a majority of this House should (which he trusted they would not)

[1] Italics are the author's.

[2] 16th Cong., Sess. 1, Vol. 1, p. 835.

impose unconstitutional restrictions on the admission of Missouri, he should do it with great reluctance.[1]

January the 26th, the Missouri bill being before the House, Mr. Storrs (of New York) offered an amendment to prohibit slavery in the Territories west of Missouri and north of the 38th degree of latitude.[2]

After debate in which Mr. Clay again took part, this motion was negatived.

Then Mr. Taylor (of New York) came squarely out with an amendment to prohibit slavery in the State of Missouri.

The restriction read as follows:

". . . and shall ordain and establish that there shall be neither slavery nor involuntary servitude in said State otherwise than in the punishment of crimes whereof the parties shall have been duly convicted; *provided always*, that any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitives may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid; and *provided also*, that the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory."[3]

And now began in earnest the battle for possession of this beautiful State. The combat raged day by day and from point to point; foot by foot the ground was hotly contested. All the changes were rung on every side of the question; Scripture was invoked to sustain; humanity to condemn; the Constitution was analyzed; the Ordinance of 1787 dissected; the arguments of the orators on both sides were able, their eloquence was impassioned, but altered no one's opinion; rather serving to confirm and intensify the opposition and hostility of the two sections.

[1] 16th Cong., Sess. 1, Vol. 1, p. 842.
[2] Idem, p. 940.
[3] Idem, p. 947.

Mr. Taylor, one of the ablest men of the North, contended that Congress had the right to prohibit slavery; that "Missouri was a foreign province alien to our laws, customs, and institutions. . . . It sustained none of the conflicts of the Revolution. . . . Its admission without a restriction was opposed by a majority of the States. . . . The right to hold slaves is emphatically a right of the States, and not a right of United States citizenship, . . . consequently it was not guaranteed to the inhabitants of this Territory by treaty."[1]

The inconsistency of the above is so apparent as scarcely to need comment. The fact, which he admits, that the States had the right to hold slaves, would of necessity preclude the right of Congress to prohibit the holding of them in any of the States—and the guarantee, given in the treaty of purchase, that the Territory should be incorporated in the Union as soon as possible, according to the principles of the Federal Constitution, secured the equality of rights to the States formed from the territory purchased—whilst the protection to property, also guaranteed by the treaty, would *forbid any such prohibition during the territorial condition* of the country purchased.

But the gist of his argument comes out a little later on. He says:

"The representation in Congress allowed for slaves, as I have before said, was a matter of compromise. . . . It did not apply to foreign territory.

". . . No express power is granted to Congress to acquire territory. If it exists at all, it is by implication. Thus on the implied power to acquire territory by treaty you raise an implied right to erect it into States, and imply a compromise by which slavery is to be established, and its slaves represented in Congress. Is this just? Is it fair? . . . But your lust of acquiring is

[1] 16th Cong., Sess. 1, Vol. 1, p. 945.

not yet satiated. You must have the Floridas. Your ambition rises; you covet Cuba and obtain it. You stretch your arms to the other islands in the Gulf of Mexico, and they become yours. Are the millions of slaves inhabiting these countries too to be incorporated into the Union and represented in Congress?

"Are the freemen of the old States to become the slaves of the representatives of foreign slaves?"[1]

Mr. Holmes (of Massachusetts) replied to Mr. Taylor. Mr. Clay's eloquence had evidently touched him, for he made a most powerful argument against the prohibition of slavery in Missouri, where it had already existed for years. He said: "I again appeal to the candor of that gentleman (Mr. T.), and ask him whether he should feel entirely easy if the slaves of Virginia were shut up in New York, under this power which he advocates, and it had come to their ears from any respectable source that they were all free? . . . And yet, we can look on and see this storm gathering; hear its thunders and witness its lightnings with great composure, with wonderful philosophy! We are aware, gentlemen, that we are diffusing sentiments which endanger your safety, happiness and lives; nay, more, the safety, happiness and lives of those whom you value more than your own. But it is a constitutional question. Keep cool. We are conscious that we are inculcating doctrines that will result in spilling the best of your blood; but, as this blood will be spilt in the cause of humanity, keep cool. We have no doubt that the promulgation of these principles will be the means of cutting your throats; but, as it will be done in the most unexceptional manner possible, by your slaves, who will no doubt perform the task in great style and dexterity, and with much delicacy and humanity, too, therefore keep cool.

"Sir, speak to the wind, command the waves, expostulate with the tempest, rebuke the thunder; but

[1] 16th Cong., Sess. 1, Vol. 1, p. 965.

never ask an honorable man, thus circumstanced, to suppress his feelings."[1]

Mr. Holmes further said: "The power to impose includes a power to enforce. How is this condition to be enforced? . . . And, sir, if you can diminish, why not increase, the political power of a new State? . . . Diminish the political power of a new State, and you accumulate a Federal control over it dangerous to the other States. Increase it, and you put in jeopardy the Union. . . . Where would be your State rights, if, in addition to that yielded up by the Constitution, Congress had a vast population subject to their control?

". . . But we are told, in a memorial on your table, from Boston, that Congress has on this subject unlimited control; that they can impose any condition which their 'justice, wisdom or policy may dictate.' Indeed! Has it come to this? Absolute power of Congress, and from Boston, too! Most of these gentlemen have changed their tone since 1812, 1813 and 1814. *Then*, their jealousy of Congress was such that they would not allow them to determine when the country was in danger of an invasion, but confined this power to the exclusive discretion of their Governor. Now, absolute power is conceded over the lives, liberties and property of your Territories. Then, from a jealousy of your powers, or an attachment to the then President,[2] they insisted, seriously insisted, that you should not have their militia, unless the President should command them in person, and obtained a judicial decision to fortify them in this sage and prudent constitutional stand. . . .

"Sir, the hopes of the North and East are interwoven with the prosperity of the South and West; and yet we have armed ourselves against them all. It is not with

[1] 16th Cong., Sess. 1, Vol. 1, p. 974.

[2] Mr. Jefferson, whom the New England Federalists despised.

them a question of policy, of political power, but of safety, peace, existence."[1]

Mr. Smyth, of Virginia, asks:

"Can the old States, the first parties to this Union, bind other States farther than they themselves are bound? Can they bind the new States not to admit slavery, and preserve to themselves the right to admit slavery? . . . It has been said (by Mr. King in his pamphlet) that in Virginia, 25,559 free persons elect a member of the House of Representatives, and that, in a Northern State, 35,000 free persons elect a member. Let us state the fact. A member from Vermont represents 35,000 persons only; a member from Virginia represents more than 42,000 persons. . . .

"A concession was indeed made in the Convention in proportioning the Representatives among the States; but it seems to me that the Southern States made it in agreeing to count only three-fifths of the slaves.[2]

"But the gentleman said that 'the American nation never sanctioned the right of slavery.' Sir, the old Congress expressly sanctioned the right of slavery, in September, 1782, when they passed this resolution: 'Resolved, that the Secretary of Foreign Affairs be, and he is hereby, directed to obtain as speedily as possible, authentic returns of the slaves and other property which have been carried off or destroyed, in the course of the war, by the enemy, and to transmit the same to the Minister Plenipotentiary for negotiating peace.' They sanctioned the right of slavery, when they commissioned agents to obtain the delivery of all negroes and other property of the inhabitants of the United States, in the possession of the British forces, or any subjects of or adherents to 'His Britannic Majesty.' They sanctioned the right of slavery when they ratified the provisional and definitive treaties of peace with Great Britain, containing this clause: 'His Britannic Majesty shall, with

[1] 16th Cong., Sess. 1, Vol. 1, pp. 984–986, 988, 989. [2] Idem, pp. 992–995.

all convenient speed, without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies.' They recognized the right of slavery in April, 1793, by providing for an enumeration of the free persons in the States, and three-fifths of the slaves. The whole nation sanctioned the right of slavery by adopting the Constitution, which provides for an enumeration of the slaves, a representation founded thereon, and for the restoration of fugitive slaves to their masters, acknowledging the obligation of State laws, which hold men to labor or service. . . .

"It has been urged as a reason for violating the treaty with France, that the present government of that nation will not insist on the strict performance of its stipulations. . . . Will you be unjust, false, perfidious, because you are powerful? . . . I trust that the only inquiry that this government will make in relation to the treaty with France, is, what have we engaged to perform? It will never condescend to inquire, what is the penalty if we violate our faith, and who will enforce it? Shall we, at the moment when our envoy at the court of Spain proclaims aloud that this government will punish perfidy, violate our faith pledged to France, because, as the great Napoleon no longer reigns, we expect the violation might pass unpunished? . . .

"You received a deed of trust of this Territory; and if you do not perform the trust, you have no title. It was said at the last session: 'We purchased the Territory and had a right to sell it; therefore we may annex such conditions to its admission to the Union as we please.' It is true that you paid money for the Territory, but you took a conditional deed, and are bound by the conditions in the deed. You have no right to sell it to a foreign power, for you have bound yourselves to incorporate the inhabitants in the Union of the United States according to the principles of the Federal Constitution. . . . Can these inhabitants be incorporated in the

Union of the United States, and their enjoyment of their religion, liberty and property, be afterward rendered insecure by Congress? The great advocate,[1] for depriving them of their property says expressly: 'Congress has no power to prevent the free enjoyment of the Catholic religion.' Then it is equally certain that Congress has no power to prevent the free enjoyment of property; for religion and property are alike secured to them by the same clause of the treaty, and by those provisions of the Constitution which declare that Congress shall make no law respecting an establishment of religion; that property shall not be taken for public use without just compensation, etc. . . . The proposed measure, recommended under the mask of humanity, would be extreme cruelty to the blacks. . . . The Southern people, seeing that they must rely on themselves for safety, will, if they have common prudence, take precaution for their security. Already the slaves experience the effects of your intermeddling with their situation. Since the incendiary speeches of the last session, Georgia has put a stop to manumission, and North Carolina has essayed to put a stop to instruction." . . . ,,

Mr. Smyth then calls attention to the fact that "the manumitted negroes in our country object with disdain to the plan of the colonization society for settling the free blacks in Africa. They claim that the slaves shall be emancipated, and remain in the country; that they and their posterity shall constitute a portion of the sovereign American people. . . .

"The philosophers, the Abolition societies and societies of friends to the negroes, in Europe, who were not at all interested in negro slavery themselves, produced the catastrophe of St. Domingo. The philanthropists, societies, and popular meetings of the North are pursuing a similar course. Like causes produce like effects. Our philanthropists may acquire as good a title to the

[1] Mr. King, in his pamphlet.

execration of the Southern people as Robespierre and Gregoire acquired to the execration of the French people of St. Domingo. . . . I will not apologize for having taken up some of your time. I have raised my feeble voice for the preservation of the Union, and all its happy and glorious results; for justice, humanity, and domestic tranquillity; to preserve our citizens from massacre, our wives and daughters from violation, and our children from being impaled[1] by the most inhuman of savages. Whatever may be the result, I have done my duty."[2]

Neither will the author apologize for introducing to the reader, even at some length, these men of a past age as they reveal themselves in their true characters, and embodying and reflecting, as they did, the opinions and temper of their times. In no other way could those opinions and differences of feeling be so strikingly portrayed. In no other way could there so pass before you, as in a panorama, the living, breathing images of those men, with their passions, their prejudices, their affections, their interests, their principles, their hopes and their fears. In Mr. Taylor we have the embodiment of that aggressive Northern radicalism which afterward became Abolitionism; in Mr. Holmes, that admirable Northern conservatism of which Mr. Webster became the chief exemplar; in Mr. Smyth, the South claiming justice as her due and the Constitution as her shield; whilst Mr. Clay stood the impersonation of States' rights under the Constitution, speaking out boldly, as he always did, for the rights of the States to self-government and to full equality in the Union. There was then no secession feeling in the South, and no representative of such a policy there—the danger of disunion all coming from the extreme Northern radicals.

[1] Edwards' West Indies, page 75. "Their standard was the body of a white infant, which they had recently impaled on a stake." Id., p. 1021.

[2] 16th Cong., Sess. 1, Vol. 1, pp. 992–1021.

The next proposition as to "compromise" comes from Mr. Hardin, of Kentucky, who suggests "that this matter can be settled with great facility" if both parties will agree by drawing a line due West to the Pacific from Missouri—admitting Missouri without restriction, North of the line prohibiting slavery, South of the line admitting it. As, however, the parties had no idea of agreeing, this proposition did not materialize; and Mr. Hemphill, of Pennsylvania, a very superior man, said regarding it: "It will be impossible to compromise a question of this character. A compromise usually has for its basis *mutual concessions which are equally obligatory;* but, if we should pass a law excluding slavery from the remaining territory, where would be the security *that another Congress would not repeal it?* It will be but an *ordinary act of legislation*, and whenever there shall be an application for a new State, we shall be met with the same constitutional objections that now exist. It is, in fact, yielding all for which we have been contending, and if we once give up the ship slavery will be tolerated in the State of Missouri, and we can never after remove it."[1]

On February the 8th, "Mr. Clay (Speaker) rose and addressed the committee four hours against the right and expediency of the proposed restriction."[2]

This speech was not reported, but we gather the drift of it from Mr. Plumer, of New Hampshire, who says: "I should enlarge, sir, upon this topic, but I perceive that it is one which excites no very pleasant feelings in our Southern brethren; and I am driven from it by the stern tones and repulsive gestures with which the honorable Speaker (Mr. Clay) has warned us not to obtrude upon him with our New England notions. Sir, what are these notions? Liberty, equality, the rights of man. These are the notions which, if we cherish, we must cherish in secret—which, if we entertain, we must entertain by ourselves. These are the notions which we

[1] 16th Cong., Sess. 1, Vol. 1, p. 1134. Italics are the author's.
[2] Idem, p. 1170.

must cast aside when we leave our own happy homes, and which, if by chance they find their way into this hall, are to be repelled with the charges of folly, of fanaticism, of a negrophobia.''[1]

The speaking went on, for and against, until nearly the close of the winter—Mr. Randolph's speeches being rarely reported, as many of Mr. Clay's were not—but both of them, as well as every other Southern man, being most pronounced in their denunciation of the restriction proposed, as may be gathered from the many references to their speeches and opinions by opposing speakers.

Meantime the Senate, having on the 3d day of January taken up the House bill, which had just passed, for the admission of Maine, Mr. Barbour, of Virginia, proposed that it be ''committed to the Committee on Judiciary, with instructions so to amend it as to authorize the people of Missouri to establish a State government and to admit such State into the Union upon an equal footing with the original States in all respects whatever.''[2]

The bill was so committed, and so amended as to authorize ''the people of the Territory of Missouri to form a Constitution, etc., preparatory to their admission into the Union.''

The Senate having taken up the bill, Mr. Roberts (of Pennsylvania) moved that it be ''recommitted to the Judiciary Committee, with instructions so to modify its provisions as to admit the State of Maine into the Union (divested of the amendment embracing Missouri.)''[3]

The discussion on this subject was of the same character as those in the House; it being contended on the one side that Congress was bound to admit Missouri whenever she presented herself with the requisite population; that her claim was, by virtue of the treaty,

[1] 16th Cong., Sess. 1, Vol. 2, p. 1426. [2] Idem, Vol. 1, p. 54.
[3] Idem, p. 85.

stronger even than that of Maine; that if the right existed to impose a restriction on Missouri to prohibit slavery, the equal right existed to impose a restriction upon Maine, to compel her to admit slavery. The other side claiming that Maine was a part of the old Territory—her Constitution was already formed, with the consent of the State from which she was to be separated; there was no dispute about her limits, or about the justice of her admission. And there was no propriety in joining the two bills, so as to keep Maine out, because of any difficulty in the way of Missouri's coming in.

The vote on recommitment was taken on January 14th, and it was negatived by 25 to 18.[1]

The Senate thus refused to separate the conjunction of the two States of Maine and Missouri.

Of the above votes, twenty of the twenty-five were Southern; the other five, Northern. Placing New Jersey as a Northern State and Delaware as a Southern, the vote of the Senate stood 22 to 22. So, to carry any measure, the North must receive some Southern votes, and, *vice versa*, the South must receive some Northern votes. In this instance, those who voted with the South were Messrs. Thomas and Edwards, of Illinois; Taylor, of Indiana; and Palmer and Parrott, of New Hampshire and Vermont. The two senators from Delaware voted on the Northern side—Mr. King, of New York, not there.

Mr. Roberts (of Pennsylvania) next moved "that the further introduction into said State (of Missouri) of persons to be held to slavery or involuntary servitude within same, shall be absolutely and irrevocably prohibited."[2]

On January 18, *Mr. Thomas* (*of Illinois*) asked leave to bring in "a bill *to prohibit the introduction of slavery into the Territories of the United States north and west of the contemplated State of Missouri.*"[3]

[1] 16th Cong., Sess. 1, Vol. 1, p. 118. [2] Idem, p. 119.
[3] Idem, p. 158. Italics are the author's.

The speaking still went on day by day; no other subject seems to have engaged the attention of the Senate. The Ordinance of 1787 is again dissected and analyzed—the one party claiming it as authority for the prohibition of slavery in the Territories, the other declaring it unauthorized by the Articles of the Confederation, and therefore not constitutional in principle; the one side claiming it as a compact, the other insisting it was no compact at all.

Both sides approach the Constitution "with a kind of reverential awe," as a "hallowed instrument," but mutually seek to extract from it argument and justification for their differing views. The Northern men declared that they were far more devoted to the principles of liberty than the men of the South. The South retorts by asking: "Who first fanned the sacred flame of freedom on this Continent? A Virginian—a native of a slaveholding State.[1] Who penned the immortal Declaration of Independence? A native of a slaveholding State.[2] Who led your Revolutionary armies to battle and to victory? A native of a slaveholding State.[3] . . . Who was first called by the unanimous voice of his countrymen to preside over the destinies of the new government? A native of a slaveholding State.[3] . . ."[4]

And Mr. Burke is quoted as saying of the Southern Colonies in 1775: "There is, however, a circumstance attending these Colonies which . . . makes the spirit of liberty still more high and haughty than those of the Northward. It is that, in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom."[5]

It was also shown that the South contributed indirectly far more to the support of the government than

[1] Patrick Henry. [2] Jefferson. [3] Washington.
[4] 16th Cong., Sess. 1, Vol. 1, p. 162. [5] Idem, p. 228.

the North did—that the exports of the North for the last year amounted to only eighteen millions of dollars, while those from the slaveholding States amounted to about thirty-two millions; and that those States furnished the Treasury with nearly double the amount the Northern and Eastern States did, if the dutiable imports were regulated by the exports, which is generally true.[1] And Mr. Macon (of North Carolina), one of the ablest and purest men of his day, concludes:

"The treaty is as plain as the Constitution. The people are to be protected in their property, and slaves were property both before and since its ratification. If the property in slaves be destroyed by indirect means, it is as much a violation of the treaty as if it were done directly. Pass the amendment and the property in them is indirectly destroyed; and yet it is the only property secured to the owner by the Constitution."[2]

One more quotation: "Old Tecumseh"[3] (Richard M. Johnson, of Kentucky) expresses himself so naively, and so in accordance with the sentiment then prevailing at the South in regard to the "white slaves of the North," as to make his remarks very striking. "When I first came to Congress," said he, "it was with mingled emotions of horror and surprise that I saw citizens from the non-slaveholding States, as they are called—yes, and both branches of our National Legislature—riding in a coach and four, with a white servant seated before, managing the reins, another standing behind the coach, and both of these white servants in livery. Is this, said I to myself, the degraded condition of the citi-

[1] As the years rolled on, the marked superiority of the contribution from the South to the revenue of the country became more and more apparent, as was evidenced in Mr. Lincoln's reply in 1861 to some disunionists of the North, who said, "Let the South go." "If," said Mr. Lincoln, "*we let the South go, where will we get our revenue?*"—AUTHOR.

[2] 16th Cong., Sess. 1, Vol. 1, p. 231.

[3] Mr. Johnson was called "Old Tecumseh" because he was said to have killed the noted Indian chief of that name at the Battle of the Thames.

zen on whose voice the liberties of a nation may depend? . . . Yet, sir, none are more lavish of their censures against slaveholders than those lordlings with livery servants of their own complexion.''[1]

When Mr. Johnson had concluded, ''no other gentleman rising to speak''—says the chronicler with unconscious irony—the vote was taken on Mr. Roberts' restrictive amendment, and it was defeated by 27 to 16, 6 Northern votes being joined to 21 Southern. This was on February 1st.[2]

On the 3d, Mr. Thomas, Senator from Illinois, and one of the Northerners who had helped to vote down Mr. Roberts' amendment, ''submitted the following additional section as an amendment to the Missouri Bill (which it was proposed by a report of the Judiciary Committee to incorporate with the Maine Bill), viz: 'And be it further enacted, that in all that tract of country ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, there shall be neither slavery nor involuntary servitude otherwise than in the punishment of crimes whereof the party shall have been duly convicted. *Provided always*, that any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.' ''[3]

On the 7th, Mr. Thomas withdrew this amendment for the purpose of modifying it or introducing it in some other shape.

On the 16th, the vote was taken (the speaking meantime having gone on uninterruptedly) on the question

[1] 16th Cong., Sess. 1, Vol. 1, pp. 348, 349. [2] Idem, p. 359.
[3] Idem, p. 363.

of uniting the Maine and Missouri Bills in one, and was carried by 23 to 21, the 2 Illinois Senators and 1 Indiana voting for the conjunction, the 2 Delaware Senators against it.[1]

Then Mr. Thomas offered another amendment in place of the one above, which he had withdrawn, as follows:

"And be it further enacted, that the 6th Article of the *compact* of the Ordinance of Congress, passed on the 13th day of July, one thousand seven hundred and eighty-seven, for the government of the Territory of the United States north-west of the river Ohio, shall to all intents and purposes be, and hereby is, deemed and held applicable to, and shall have full force and effect in and over, all that tract of country ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act."[2]

Various amendments were offered after this, but none agreed upon, and finally, on the next day, Mr. Thomas withdrew his last amendment making the 6th Article of the Ordinance of 1787 applicable to the Territory of Louisiana, and offered instead the first amendment as given above, which embraced the celebrated Compromise line of 36° 30′, which was repealed in 1854. It carried by 34 to 10, the negatives being 8 Southern votes and 2 Northern; the affirmatives 20 Northern votes and 14 Southern.[3]

Then the vote was taken on the entire bill, and it passed by 24 to 20. Of the majority, 20 were Southern, 4 Northern votes—of the minority, 18 were Northern, 2 Southern.[4]

[1] 16th Cong., Sess. 1, Vol. 1, p. 424. [2] Idem, p. 426.

[3] Idem, p. 428.

[4] Thomas' Amendment, voted on Feb. 17, 1820:

For Amendment—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana,

The votes, as given above, are fully indicative of the status of feeling in the Senate. The South was for not admitting Maine at all, unless Missouri should be admitted along with her; whilst the North was, with a few exceptions, bitterly opposed to the admission of Missouri unless with the restriction as to slavery.

On the amendment embracing the prohibition of slavery in the Territories, the Northern vote was solid, excepting the 2 Senators from Indiana, Taylor and Noble—also 14 Southern men in the Senate voted for it; and *without these Southern votes the measure could not have been carried.* But 8 Southern men, the most able and distinguished among them, refused their assent, and voted against it. The entire bill, as amended, was carried by Southern votes mainly, only 2 Southerners, Mr. Macon and Mr. Smyth voting against it, whilst 18 Northerners voted against it, and only 4 for it. So that it went out to the world as a Southern measure, because it was carried by Southern votes through the Senate, as against the votes of the majority of the Northern members.

That Southern men should have voted for a bill containing a measure to which they were so violently opposed, against the motive principle of which they had been speaking almost daily, for two sessions, and had

King of Alabama, King of New York, Lanman, Leake, Lloyd, Logan, Lowrie, Mellen, Morril, Otis, Palmer, Parrott, Pinkney, Roberts, Ruggles, Sandford, Stokes, Thomas, Tichenor, Trimble, Van Dyke, Walker of Alabama, Williams of Tennessee, and Wilson—34.

Against Amendment—Messrs. Barbour, Elliot, Gaillard, Macon, Noble, Pleasants, Smith, Taylor, Walker of Georgia, and Williams of Mississippi—10.

For Entire Bill—Messrs. Barbour, Brown, Eaton, Edwards, Elliot, Gaillard, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Leake, Lloyd, Logan, Parrott, Pinkney, Pleasants, Stokes, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi, Williams of Tennessee—24.

Against Entire Bill—Messrs. Burrill, Dana, Dickerson, King of New York, Lanman, Lowrie, Macon, Mellen, Noble, Otis, Palmer, Roberts, Ruggles, Sandford, Smith, Taylor, Tichenor, Trimble and Wilson—20.

denounced as fiercely as it could be done in the English language—which they had declared to be in violation of their rights of property, of citizenship and of equality in the Union—would be unnacountable without some knowledge of the pressure brought to bear upon them.

Although the Senate was so equally divided, the North had a majority in the House, 23 or 24, and this majority was unalterably opposed to Missouri's admission unless her negroes were first set free, *and set free in her midst.* For there was not a single proposition to remove the freed negroes from the States; and when Mr. Meigs (of New York) had proposed during the session to devote a portion of the public lands to raising a fund for colonizing freed negroes of the States in Africa, his proposal was laid on the table without discussion even.[1]

The entire winter had passed. The House was still wrangling, and arguing, and debating, and working itself more and more into a passion. The Southern men were fully determined never to consent to the setting free of the slaves in Missouri; for it was settled up by their kinsmen, their neighbors and their friends, and they felt an inconceivable horror of the turning loose, in this prosperous and lovely State, of a set of beings, who, from being docile, useful, cheerful and industrious, as laborers, would become, with perhaps but few exceptions, as the first fruits of their freedom, both paupers and criminals of the worst sort. They realized too, that this might be but the beginning of the end. If Congress could by a mere act deprive the citizens of Missouri of their property without any compensation, notwithstanding this property was guaranteed to them by both Constitution and treaty, what could hinder this or another Congress from applying the same power to the other States? If this Congress could by a mere declaration turn the slaves of Missouri loose among the citizens of that State, why could not this or another

[1] 16th Cong., Sess. 1, Vol. 1, pp. 1113, 1114.

Congress apply the like power to every State that owned slaves, and so involve the whole South in one common ruin?

But the Northern majority were equally resolved that slavery should never be extended across the Mississippi River, and in the equality of votes in the Senate lay the only hope of the South for any sort of justice or safety. When, then, in this difficult position of affairs, Mr. Thomas, of Illinois, made the proposition to admit Missouri with her slaves, but to prohibit slavery in all the rest of the Territories north of 36° 30′, the majority of the Southern Senators accepted it as the only solution of the difficulty which seemed possible or attainable. By its adoption Missouri could gain her admission without setting her slaves free (making of her a second St. Domingo), the Union be preserved intact, and the treaty with Napoleon fulfilled; which last was a point of honor with them. The Territory to which the prohibition applied was unsettled, had been but little explored, was possessed by hostile tribes of Indians; its value but little known or appreciated; its future shadowy and unreal; whereas Missouri was a beautiful and present reality in imminent danger of destruction and anarchy. It doubtless seemed to them the only thing that they could do; and it is not for us to judge them, in that they sacrificed constitutional right on the altar of expediency, when they voted, under this tremendous double pressure of love for the Union, and self-preservation, for a measure which they believed to be radically wrong, and inconsistent with the Constitution which they had hitherto held so sacred.

The majority of the Northern Senators voted against the bill for the admission of Missouri, even with the prohibition in the Territories as the condition, but had voted straight out for that prohibition, unconstitutional as it was, with two honored exceptions, Mr. Taylor and Mr. Noble, of Indiana.

And now the question arises: Could the votes of a

mere majority lend any color of constitutionality to this measure, when it was *per se* not in accordance with the Constitution? And was there a single line in the Constitution to authorize any majority in the Senate or the House to vote away the rights of a vast number of citizens in the Territories, which certainly belonged to the whole people equally and alike? On the contrary, in the clause giving Congress the power "to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States," it was expressly declared that "nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." And yet this prohibiting act did prejudice the claims of an entire group of States, inasmuch as it practically precluded their citizens from entering the Territory, in that it forbade their taking the labor to which they were accustomed with them; and to which labor they were entitled by virtue of the right of property, both under the Constitution and previous to its formation.

The bill, as amended by the Senate, was sent to the House, and, on the 25th of February, was defeated in that body by a vote of 159 to 18—the House thus rejecting all the amendments of the Senate to the Maine Bill, and showing, as plainly as it could be shown, the opposition of both the Northern and Southern sections to the bill which united the two measures relatively opposed by each of them *in toto*.

For the North was quite as much opposed to the admission of Missouri with slavery, as the South was opposed to its prohibition in the Territories.

On the 25th, the Missouri Bill being under consideration by the House, Mr. Taylor's proposed restriction was agreed to by about 12 or 18 votes.[1]

The next day, Mr. Storrs (of New York) offered the Thomas amendment in place of this restriction. Mr.

[1] 16th Cong., Sess. 1, Vol. 2, p. 1540.

Randolph rose and spoke more than four hours against both amendment and restriction.[1]

On Monday, the 28th, a message was received from the Senate that "they *insist* on their amendments to the bill for the admission of Maine into the Union, which had been disagreed to by this House.[2]

The vote was taken whether the House should *insist* on its disagreement to the said amendment; and decided in the affirmative, by 97 to 76, as to those sections which joined the Missouri on to the Maine Bill; and by 160 to 14, as to the ninth section, which embraced the Compromise principles.[3]

Again showing by this vote the intense opposition of the North to the entrance of Missouri as a slave State, and the equally intense opposition on the part of the South to the prohibition of slavery in the Territories. "The House then again went into Committee of the Whole on the Missouri Bill (Mr. Cobb in the Chair)."[4]

Mr. Storrs' proposition to insert the Thomas amendment was then taken up, spoken on, voted on, and defeated.[4]

Other amendments were offered by Mr. Taylor, and opposed by Mr. Clay, Mr. Randolph, and others; when Mr. Taylor moved: "And if the same (the Constitution) shall be *approved by Congress* at their next session after the receipt thereof, the said Territory shall be admitted into the Union as a State, upon the same footing as the original States. . . . The motion was advocated by the mover, and earnestly opposed by Messrs. Scott, Clay, and Mercer—the vote taken, and the motion negatived by 84 to 75.[5]

"Mr. Storrs then offered an amendment, in effect, to transfer the restrictive amendment *already adopted*, to the sixth section of the bill (which embraces the provisions in the nature of compact), and so modify it as to make

[1] 16th Cong., Sess. 1, Vol. 2, p. 1541. [2] Idem, p. 1552.
[3] Idem, p. 1554. [4] Idem, p. 1555. [5] Idem, p. 1556.

it a recommendation for the *free acceptance* or *rejection* of the Convention of Missouri, as an article of *compact*, to exclude slavery, instead of enjoining it, as an absolute condition of admission.

"Mr. Clay seconded the motion, and, with the mover, zealously urged the adoption of the amendment. It was opposed as zealously by Messrs. Taylor, Sergeant, and Gross, of New York.[1]

"Mr. Storrs finally withdrew it, as doubts were expressed as to its being in order in its present shape. Then Mr. Clay renewed the amendment in substance, but so changing the manner of inserting it in the bill as to avoid the objection as to the point of order.

"The debate was renewed on the proposition and continued with undiminished zeal by Mr. Clay, in its support, and by Messrs. Taylor, Sergeant, Randolph, and Cook against it."[2]

Now, this is the only motion made by Mr. Clay (and this was negatived) in all this long contest; and this was a motion to make the restriction upon Missouri as to slavery, which had already passed the House, a matter of "*recommendation* for Missouri's *free acceptance* or *rejection*," "instead of enjoining it as an absolute condition of her admission." In this Mr. Clay again appears as the advocate and champion of the full sovereignty of the States—and how this motion could ever have been twisted, or metamorphosed, or transformed, so as to have represented the "Missouri Compromise," with Mr. Clay as its author, is one of those historical enigmas of which Mr. Clay himself said, in his great speech of February 6, 1850: "I beg to be allowed to correct a great error, not merely in the Senate, but throughout the whole country, in respect to my agency in regard to the Missouri Compromise, or, rather, the line of 36° 30′, which was established upon the occasion of the admission of Missouri into the Union." . . .

[1] 16th Cong., Sess. 1, Vol. 2, p. 1556. [2] Idem, p. 1557.

He goes on to say that the majority of the Southern members voted for the line—"but, as I was Speaker of the House, and as the journal does not show which way the Speaker votes, except in the case of a tie, I am not able to tell with certainty how I actually did vote; but I have no earthly doubt that I voted in common with my other Southern friends for the adoption of the line of 36° 30′." . . .[1]

This statement by Mr. Clay, though strictly true, yet given without the accompanying circumstances, was well calculated to still mislead the people as to his real position, as well as to the real position of his Southern friends. So, we find Mr. Blaine, in his history, saying: "Thirty years after, Mr. Clay called attention to the fact that he had received undeserved credit for the Missouri Compromise of 1820, which he *had supported*,[2] but not originated." We have seen, however, that Mr. Clay did *not* support this measure, though he may have voted for it, at the last moment, as the only alternative to disunion—which was certainly the only motive which could have induced the Southern men to consent to what they believed to be not only a violation of the Constitution, but the greatest wrong to themselves and their posterity, not only as regarded territory, but also as regarded their rightful equality in the Union of the States.

It is not shown that Mr. Clay offered any opposition to this special measure; but he had no opportunity to do so, for it was not brought up in the House until after the restriction on Missouri had been passed by the House, and then was offered as a substitute for that restriction at a time when the crisis appeared to be a desperate one, and it had become simply a choice between two evils to accept the least. But Mr. Clay's views and principles in regard to restriction as to slavery in the Territories were abundantly shown in the

[1] Appendix to Cong. Globe, Vol. 22, p. 124. [2] Italics by author.

Arkansas contest the session previous, when he not only opposed any restriction whatever there, but, *by his vote*, when there was a tie, decided the question against restriction. So that Mr. Clay could not, without the greatest inconsistency (a fault of which no man ever convicted him), have either supported the Compromise of 1820 or have afterward claimed credit for having supported it, as virtually stated by Mr. Blaine.

The ground has been taken by some writers that the true Compromise was made a year later, when Missouri was finally admitted into the Union under an act which Mr. Clay did propose. If that were so, then the so-called Compromise was not a compact at all, nor could it be justly claimed as such; and there was no ground whatever for accusing the South of a breach of faith toward the North in the repeal, in 1854, of the prohibitory section of the Act of 1820. If it were not so, then the refusal to admit Missouri under that so-called Compromise Act, in 1821, utterly deprived it of the essential feature of a compact, for when broken by one party to it, it could not as a compact be binding on the other side.

There is one very striking view of the above and only motion recorded as having been made by Mr. Clay. It contains the first germ of that doctrine *of non-intervention* by Congress on the subject of slavery, so signally advanced and maintained by the great Commoner in the struggle of 1850 (as by Mr. Calhoun in 1838), and of which the repeal, in 1854, of the Compromise of 1820 was but the logical outcome.

Meantime, the House having insisted on its disagreement to the bill from the Senate, that body asked for a committee of conference, to which the House agreed, and on February 29th, appointed Mr. Holmes (of Massachusetts), Mr. Taylor (of New York), Mr. Lowndes (of South Carolina), Mr. Parker (of Massachusetts), and Mr. Kinsey (of New Jersey), "to be the managers of the said conference on the part of this House."

Then after many amendments and much speaking, the House, on the 2d of March, passed the bill for the admission of Missouri with the restrictive amendment offered by Mr. Taylor, and adopted in the Committee of the Whole, and sent it to the Senate for concurrence.

The Senate at once returned the bill to the House with an amendment, which was to strike out the slavery restriction and insert instead Mr. Thomas' amendment. Mr. Holmes requested the message from the Senate to be laid on the table long enough for him to make the report from the Conference Committee, which was in substance, that the Senate withdraw all their amendments to the bill for the admission of Maine, and that the House substitute the Thomas amendment for the Taylor restriction in the bill for the admission of Missouri.

There was more speaking on all sides of the question. The last speaker but one, before the vote was taken, was Mr. Stephens (of Connecticut).

He said: "But, sir, we have now arrived at a point at which every gentleman agrees something must be done. A precipice lies before us, at which perdition is inevitable. Gentlemen on both sides of this question, and in both Houses, indoors and out of doors, have evinced a determination that augurs ill of the high destinies of this country. And who does not tremble for the consequences?"[1]

The question was first put on concurring with the Senate in striking out the slavery restriction on the State of Missouri, and passed by 90 to 87.

Then the question was taken on concurring with the Senate as to inserting in the bill, in lieu of the slavery restriction, the clause inhibiting slavery in the territory north of 36° 30′ north latitude, and was decided in the affirmative—yeas, 137; nays, 42.[2]

Of these nays, five were Northern men, Mr. Adams

[1] 16th Cong., Sess. 1, Vol. 2, p. 1585. [2] Idem, pp. 1587, 1588.

and Mr. Gross (of New York) being the most distinguished.

The remaining thirty-seven embraced about one-half of the Southern members of the House, and the brightest names in the galaxy of Southern talent and distinction. Messrs. Butler, of Louisiana; and Cobb, of Georgia; Johnson and Metcalfe, of Kentucky; Archer, Barbour, Pindall, Randolph, Smyth, Swearingen, Tucker, Tyler, Garnett, Williams, of Virginia; Walker, of North Carolina; and Pinckney, of South Carolina, are a portion of that band of thirty-seven who refused to sacrifice principle to expediency, or to gain a present advantage by yielding to superior power what it had no earthly right to claim.

This refusal of one-half of the Southern members of Congress to accede to this measure is another circumstance which would deprive it of that character of compact which was afterward claimed for it. It would have required the assent of the whole of them, or nearly so, to give it even the semblance of a compact between North and South—provided, always, that Congress were invested with the right to make a compact between the two sections; which, however, was clearly not the case.

The above is a true and faithful recital of the facts of the passage of the Missouri Compromise Act, so called—as the author has been able to gather them—and there has failed to appear so far one scintilla of evidence to show either that Mr. Clay was the author of the Compromise of 1820, or that he advocated it, or that it was a Southern measure, or that it was a compact between North and South. That it was forced on the South as the only alternative to disunion is an indisputable fact; and that the measure was entirely the result of the determination on the part of the Northern majority to exclude slavery from the whole of the territory west of the Mississippi, regardless of its influence in depriving the South of her just rights in it, regardless of the provision of the Constitution that nothing in it "shall be so construed as to

prejudice any claims of the United States, or of any particular State," regardless of the treaty of purchase under which Missouri was entitled to admission *without conditions* save of a republican form of government, and her citizens entitled to protection of their *property*, whilst in their territorial condition, as well as their liberty and religion, is a fact equally indisputable; whilst Mr. Clay's position is unmistakable in his opposition to this, as to every other measure looking to an inequality of rights, or sovereignty, between the States. That he should have been credited with the authorship of this Compromise is explainable only on one theory—his great popularity both North and South, and the great unpopularity of the Compromise in both sections; to which nothing would tend so to reconcile the people as to be assured that Mr. Clay was the author of the measure, and therefore it must be right. But this course was probably not taken until after the next session, when Mr. Clay did propose the act under which Missouri was at last admitted into the Union.

In 1887, Gov. Chas. Anderson informed the writer that he heard Mr. Silsbee state to Mr. Clay in 1842, at Ashland, that "the Compromise of 1820 was so odious at the North that only two members who voted for it were ever returned to Congress—Mr. Silsbee, of Massachusetts, and John G. Storrs, of New York; while in the South it was so popular that not one member of Congress ever lost his election by it." An examination of the records shows that Mr. Silsbee was mistaken in supposing that only two members from the North were returned who had voted for the Compromise: but, whilst many of them were re-elected, more were not, showing that he was not mistaken in the sentiment of the Northern people. They were, in truth, enraged with their representatives for having voted Missouri away from them and into the hands of the South, and did not regard the treeless and unexplored prairie and mountain lands of the Territories as any equivalent at all for

giving up Missouri. To conciliate them, their politicians would naturally claim that it was a Southern measure, and forced upon the North against their will, and would, of course, quote the Southern votes in the Senate as proof of this. It was this apologetic motive, as well as the desire to keep Missouri with her slave Constitution out, which actuated the Northern majority when they refused her admission at the next session on a mere pretext; and which they thought they could safely do, having gained the point of prohibition in the Territory. It is so plain that "he who runs may read."

In regard to the sentiment of the South, it is probably best expressed by a Kentucky backwoodsman, who said to his member of Congress: "You suffered yourselves to be *Yankied*, by giving up the restriction on the Territory for a right to which Missouri was entitled without it."[1] And those of her Congressmen who were returned, were elected by her people because of confidence in their purposes, their motives and their ability. Her people realized that they had barely escaped the dissolution of the Union, and, however much they might disapprove of the means of its preservation, yet, appreciating the difficulty of the position, they did their representatives the justice to believe that they had acted according to their best judgment. There was too, one great difference between the North and the South at this period. The South was enthusiastically devoted to the Union, and regarded it as of the very first value and importance. So fearful was she lest it might be destroyed, that she yielded peaceably to what she knew was a great wrong, and did not claim her just rights until she thought she had reason to believe, as she did in 1854, that she could win them back peaceably.

The North, on the contrary, did not then really love the Union with enthusiasm. She looked upon it as secondary in importance; the power and strength of the North

[1] 16th Cong., Sess. 2, Vol. 2., p. 1207.

as a section was first. When the Act of 1820 was passed, she regarded it, not as a compact, but simply as a step in one direction towards the gain of power and territory, and in the other, the loss of it. Her representatives did not hesitate in 1821, in order to repair this loss, and appease their constituencies, to refuse admission to Missouri under that Act—which is proof of itself that they either never looked upon it as a "sacred compact," or else they broke it without compunction. The truth is that the *odiousness* of the "Compromise" attached to the giving up of Missouri—and the holding on to the Territories constituted the *sacredness* of the compact, so-called.

President Monroe approved and signed this bill, which was entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and to prohibit slavery in certain Territories," on the 6th day of March, 1820.

The President at first believed the bill to be unconstitutional, and in the draft of a *Veto* message which he did not send in to Congress, as it would appear, lest it might cause a Civil War, he used this language—"That the proposed restriction to territories which are to be admitted into the Union, if not in direct violation of the Constitution, is repugnant to its principles—"[1] What other motive may have influenced him, if any, is not now easy to determine; but as the Presidential election was approaching, and Mr. Monroe was human, it may be supposed to have, possibly, had some influence toward weighting the scale on the other side. He advised with his friends on the matter—Judge Roane, Mr. Madison and others—and from each of the members of his Cabinet he required a written opinion. Mr. Madison leaned to the belief that the restriction "was not within

[1] App. Cong Globe, 30th Cong., Sess. 1, Vol. 20, p. 67.

the true scope of the Constitution." But, he says, "there can be no room for blame in those acquisescing in a conciliatory course, the demand for which was deemed urgent, and the course itself deemed not irreconcilable with the Constitution."

The opinions of the Cabinet were not preserved, but on July 25, 1848, Mr. Calhoun, who was the only living member at that time, upon being called on, stated: "I have no recollection of any written opinions being asked for or given, but I have a distinct remembrance of the apprehension existing in all quarters of the consequences that might ensue from the difficulty not being adjusted, and which constrained the South, after resisting the restriction attempted to be imposed for two sessions, to acquiesce finally in the bill proposed as a compromise."[1]

In a letter to President Monroe from his son-in-law, George Hay, dated Richmond, Feb. 17, 1820, there occur the following passages:

"I have this moment received your note of yesterday. . . . I have never said how you would act, but simply that you would do your duty. The members have gone up to the caucus under a conviction that you will put your veto on this infamous cabal and intrigue, in all its forms and shapes; this I would certainly and promptly do. You may be injured in the Northern and Eastern States, but you will be amply repaid by the gratitude and affection of the South. . . .

"The whole affair is regarded as a base and hypocritical scheme to get power under the mask of humanity; and it excites the most unqualified indignation and resentment.

"I believe that in cases of this kind there is no middle course to be observed. The subject with all its consequences must be met, and the decision must be firmly pronounced. Such is my conviction. . . .

"If the Constitution were not believed to be in the

[1] App. Cong. Globe, 16th Cong., Sess. 1, Vol. 20, p. 58.

way, the men of understanding, perhaps all, would be disposed to compromise on something like equal terms."[1]

The President would appear to have had great doubts as to whether Congress had the right to put any restriction on the Territories or not. It seems from a letter to his friend, Judge Roane, that, anxious as he might be to do only his duty, it was hard for him to decide what that duty was.

On the 20th of December, 1820, when it was apparent that Missouri would be refused admission under the Compromise Act of March 6th, Mr. Jefferson wrote Mr. Monroe, who, of course, was then re-elected to the Presidency: "Nothing has ever presented so threatening an aspect as the Missouri question. The Federalists,[2] completely put down, and despairing of ever rising again under the old division of Whig and Tory, devised a new one, of slaveholding and non-slaveholding States, which, whilst it had a semblance of being moral, was, at the same time, geographical, and calculated to give them ascendancy by debauching their old opponents to a coalition with them. . . . However, it seemed to throw dust into the eyes of the people and fanaticise them, while to the knowing ones it gave a geographical and preponderating line of the Potomac and Ohio, throwing fourteen States to the North and East, and ten to the South and West. With those, therefore, it is merely a question of power. But with this geographical mi-

[1] See App. to Cong. Globe, 30th Cong., Sess. 2, Vol. 20, p. 67.

[2] The Federalists were the old Hamilton anti-States-right party, who favored a strong central government, in opposition to the Jefferson States-rights party, who believed in a strict construction of the Constitution and preserving all the rights of the States and the people from interference by the government except as provided in the Constitution. The Jeffersonian party was then called "Republican," and, afterward, "The Democracy." The Federalists became the Whig party afterward, and, when that party broke up, the Northern Whigs became "Republicans," or Abolitionists, while the Southern Whigs joined the Democrats.

nority it is a question of existence." . . . To Gen. La Fayette he wrote, on the same day: "It is not a moral question, but one merely of power. . . . Its object is to raise a geographical principle for the choice of a President, and the noise will be kept up till this is effected."[1]

If this were the object, it succeeded, as John Quincy Adams (of Massachusetts) was elected for the next term—1825–1829.

[1] Jefferson's Complete Works, Vol. 7, p. 194.

CHAPTER IV.

1821—Missouri not permitted to enter the Union under the Act of 1820—Rejected by the Northern majority on a mere pretext—Disunion again strongly threatened—Business interests completely prostrated—Conditions most alarming—Missouri at last admitted under a new act proposed by Mr. Clay.

The intended rejection of Missouri, by the majority of the Congress of 1820–21, would seem to have been a foregone conclusion in the public mind; it being apparently well understood that her entrance into the Union would be opposed upon the pretext of that clause in her Constitution which required her Legislature to pass laws for the keeping out of free negroes from her borders; and "the question was looked at by the nation with much anxiety and some degree of alarm," says Mr. Barbour, of Virginia.[1]

That the purpose to reject Missouri because of some anticipated defect, real or imaginary, which was to be found in her Constitution, had been formed during the previous session, is well shown by the motion which Mr. Taylor, of New York, had made, proposing the approval by Congress of her Constitution as a condition of her admission. It will be remembered that this motion, opposed by Mr. Clay and others, was defeated.

Early in the session of 1820–21, the Legislature of New York sent instructions to her Senators and Representatives that, "if the provisions contained in any proposed Constitution of a new State deny to any citizens of the existing States the privileges and immunities of citizens of such new State, that such proposed Constitution shall not be accepted or confirmed; the same, in the opinion of this legislature, being void by the Constitu-

[1] 16th Cong., Sess. 2, p. 34.

tion of the United States"—declaring also that they were "invincibly opposed to the admission of any new State into the Union without making the prohibition of slavery therein an indispensable condition of admission."[1]

The Legislature of Vermont instructed her Senators and Representatives "to use all legal means to prevent the admission of Missouri as a State."—*Because* its Constitution "legalizes and secures the introduction and continuance of slavery, and also contains provisions to prevent freemen of the United States from emigrating to and settling in Missouri, on account of their origin, color and features."[2]

These instructions show conclusively that New York and Vermont did not look upon the Act of 1820 as a compact, for they propose directly to refuse the fulfillment of that portion of the act which was to admit Missouri as a slave State; which, if it were a compact, was the consideration given for the prohibition of slavery in the remaining territory.

The Senate proceeded very early in the session to the consideration of the resolution "declaring the admission of the State of Missouri into the Union on an equal footing with the original States"—it being regarded as a question of such importance that, as "Old Tecumseh" said, "it swallowed up every other, and until it was settled they could not go on with the ordinary business of the session."[3]

Mr. Eaton (of Tennessee) offered the following proviso to the resolution:

"*Provided*, that nothing herein contained shall be so construed as to give the assent of Congress to any provision in the Constitution of Missouri, if any such there be, which contravenes that clause in the Constitution of the United States which declares that 'the citizens

[1] 16th Cong., Sess. 2, p. 23. [2] Idem, p. 78. [3] Idem, p. 34.

of each State shall be entitled to all the privileges and immunities of the citizens in the several States.' "[1]

This proviso gave rise to an extensive discussion in which it was conclusively shown that free negroes and mulattoes were not citizens, and were not so regarded. In the older States, North as well as South, they were not allowed the rights pertaining to citizens, and constituting citizenship. In some of the States they could not vote; in others, Indiana for one, they could not appear as witnesses except in cases to which negroes were parties. In some other States, as Vermont[2] and New Hampshire, they could not bear arms. In others, as Rhode Island, if caught out at night after nine o'clock, they were to be publicly whipped by the constable—ten stripes. In Massachusetts, "no negro, except a subject of the Emperor of Morocco, or a citizen of the United States, to be evidenced by a certificate," could remain longer than two months; after which time he should be ordered to leave, and if he did not depart in ten days thereafter, he should be whipped; and again ordered to leave, and again whipped, and so *toties quoties*.[3]

In Connecticut, "free negroes could not travel without a pass from the selectmen or justices." In New York, Connecticut,[4] and also Vermont, the exclusion from the State was extended not only to free negroes and mulattoes, but to white people who were undoubtedly citizens. The laws of New York read thus:

"If a stranger is entertained in the dwelling-house or outhouse of any citizen for fifteen days, without giving notice to the overseers of the poor, he should pay a fine of five dollars."[5]

If the stranger remained "forty days, he should be put in jail, and the justices might hand him from constable to constable until transported into any other

[1] 16th Cong., Sess. 2, p. 41
[2] Laws of Vermont, Vol. 2, p. 122.
[3] Laws of Massachusetts, Vol. 1.
[4] Laws of Connecticut, pp. 240, 241.
[5] Laws of New York, Vol. 1, p. 568.

State, if from thence he came. . . . If such person returns, the justices may direct him to be whipped by every constable into whose hands he shall come; if a man, not exceeding thirty-nine lashes; and if a woman, not exceeding twenty-five lashes."[1]

This law was enacted twelve years after the adoption of the Constitution of the United States, and was in full force in 1821—and yet New York could instruct her Representatives on the rights and privileges of citizens of the United States in Missouri!

The Connecticut law was in about the same terms. Whilst in the Legislature of Pennsylvania, on the 20th of January, 1820, a resolution was offered of inquiry "into the expediency of prohibiting the emigration of free negroes or mulattoes into this Commonwealth,"[2] showing the opinion held as to their citizenship there.

And the Act of Congress, passed on the 15th of May, 1820, for incorporating the inhabitants of the City of Washington, by which they were to be continued a body politic and corporate, gives that corporation full power and authority "to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city."[3]

Yet, in the face of all this evidence that free negroes were not citizens in a single State in the Union, that they were not treated as such by law in a single State, nor regarded as such anywhere; in the face of all these facts, the Northern opponents of Missouri persistently declared that free negroes were citizens, and claimed that Missouri had no right to exclude them—New York, Connecticut, and Vermont even arrogating to themselves the right to exclude from their borders any stranger, though he be a white man and an undoubted citizen—yet denying to Missouri the right to protect herself from that most worthless class of population, the vagabond

[1] Laws of New York, Vol. 1, pp. 568, 569.
[2] Journal, p. 341.
[3] 16th Cong., Sess. 1, Acts, p. 14.

free negroes from other States; denying to Missouri in the smallest degree the power exercised by themselves in its fullest extent.

It was suggested during the debate that, "if the clause in the Missouri Constitution were repugnant to the Constitution of the United States, it was a nullity, because the Constitution of the United States was paramount." But this produced no effect whatever on Missouri's opponents because it did not reach the true cause of their opposition to Missouri's entrance into the Union; which was simply and purely that she was a slave State, and, as such, her admission would affect the balance of power in Congress; and, furthermore, her slave labor would exclude freemen of the North, who longed to possess for themselves and their posterity her fertile lands and magnificent resources; and who deeply resented the measure which, in 1820, had left her in the hands of her own citizens as to the regulation of her domestic concerns.

Mr. Eaton's proviso was passed in the Senate by one majority; then the bill as amended was passed by 26 to 18, and sent to the House for concurrence.

There is one noticeable feature in this debate in the Senate. Not once is the Act of 1820 spoken of, by either side, as a compact between *North* and *South*. Mr. Burrill (of Rhode Island) says: "It was in the nature of a contract between the United States and the people of Missouri, and it was competent for Congress, and was its duty, to see if that contract had been faithfully observed."[1]

Mr. Holmes (of Massachusetts) says: "Who are the parties to the compact in the act of last session? The United States and Missouri. Missouri contends that she has complied with her terms, and demands a fulfillment on our part. We refuse, and charge her with a failure to fulfill her stipulations. Who is to decide?

[1] 16th Cong., Sess. 2, p. 46.

. . . There is no risk on our part in submitting the question to the Supreme Court."[1]

Mr. Otis (of Massachusetts): "In truth, the people of the United States, by their Congress, are parties to an executory contract. The people of Missouri are the other parties."[2]

It is plain that all idea of compact as between North and South, was now repudiated by the Senate, especially the Northern members, if indeed it had ever been entertained at all.

But the question here arises: Could Missouri, by virtue of any contract whatever, surrender what did not belong to her, viz., the equal right of the Southern people to enter the Territories of the United States and to carry their slaves with them? Or could the congressional representatives of the people of the United States enter into any contract with any one Territory, by which she should be admitted on equal terms, but with the condition that one-half of the people of the States should be deprived of their equal rights in all the balance of the Territory beyond a certain line which embraced nearly the whole of the country?

Whence did either Congress or Missouri derive the authority to make any such agreement? And what was the agreement worth?

IN THE HOUSE.

Mr. Clay had sent in his resignation of the office of Speaker in a letter of October 28, 1820, and on November 15th, John W. Taylor (of New York), author of the slavery restriction in Missouri the session previous, was elected to the Speakership.

The Committee, to whom had been "referred the Constitution formed for their government by the people of Missouri, delivered their report recommending the passage of this resolution:

[1] 16th Cong., Sess. 2, p. 88. [2] Idem, p. 20.

Whereas, etc. . . .

"*Be it resolved*, That the State of Missouri shall be, and is hereby declared to be, one of the United States of America, and is admitted into the Union on an equal footing with the original States, in all respects whatever."

The Committee say that they "are not unaware that a part of the 26th section of the 3d Article of the Constitution of Missouri, by which the Legislature of the State has been directed to pass laws 'to prevent free negroes and mulattoes from coming to and settling in the State,' has been construed to apply to such of that class as are citizens of the United States, and that their exclusion has been deemed repugnant to the Federal Constitution. . . When a people are authorized to form a State, and have done so, the trammels of their territorial conditions fall off. They have performed the act which makes them sovereign and independent. If they pass an unconstitutional law, and we leave it, as we should that of another State, to the decision of a judicial tribunal, the illegal act is divested of its force by the operation of a system with which we are familiar. . . . But the decision of Congress against the constitutionality of a law by a State of which it had authorized the establishment, could not operate directly by vacating the law; nor is it believed that it could reduce the State to the dependence of a Territory. In these circumstances, to refuse admission into the Union, of such a State, is to refuse to extend over it that judicial authority which might vacate the obnoxious law, and to expose all the interests of the Government within the territory of that State to a Legislature and Judiciary, the only checks on which have been abandoned. On the other hand, if Congress shall determine neither to expound clauses which are obscure, nor to decide constitutional questions which must be difficult and perplexing, equally interesting to old States whom our con-

struction could not, as to the new whom it ought not to, coerce, the rights and duties of Missouri will be left to the determination of the same temperate and impartial tribunal which has decided the conflicting claims, and received the confidence, of the other States.''[1]

On the 6th of December, the House in Committee of the Whole had under consideration the resolution declaring Missouri's admission into the Union.

Her admission was opposed on the ground that if Congress had the right to accept her Constitution, it had also the right to reject it; that the trust of guarding the Constitution from violation belonged peculiarly to Congress; that it should never be left to the Judiciary to do what Congress should have done; that Missouri was not entitled to the rights of a State until she was admitted into the Union by Congress; that the conformity of her Constitution to that of the United States was obligatory on the Convention; that though clauses might be found in some of the Constitutions of the old States equally repugnant to the Constitution of the United States as the objectionable clause in the Constitution of Missouri, yet most of these Constitutions were framed previous to the adoption of the present Constitution of the Union in such States, and all such clauses were virtually abrogated by the adoption of that Constitution.

The above is a condensation of the arguments of Mr. Sergeant (of Pennsylvania) and of our friend, John G. Storrs (of New York), who, in a previous session, had moved to strike out of the resolution, admitting Missouri, the phrase, ''on an equal footing with the original States,'' because ''there was a manifest inconsistency in retaining this provision after the vote just taken,'' by which the slavery restriction had been placed upon her. But the weight of public opinion was evidently too much for him, and he was forced by its pressure to

[1] 16th Cong., Sess. 2, pp. 453, 454.

ignore the facts and to yield up his real convictions as to the rights of all the States to self-government and equality in the Union. In the same speech, he says, however, of the necessity for the coercion of Missouri as alluded to by Mr. Sergeant, who had preceded him:

"Whenever the period arrives that shall render it necessary to unite the States by the arm of force, the Confederacy dissolves with the moral principle which is the foundation of our Union. It is this which pre-eminently distinguishes us from the Governments of the Old World. . . . *Coercion* may be the foundation of good government in a penitentiary or mad-house, but, *in our Republic, where military force begins*, there *Union ends.*"[1] Mr. Storrs evidently wanted to do right, and would doubtless have done so, had his constituents and political opponents allowed him.

The friends of Missouri contended "that Congress could not now reject Missouri, for she was already a State in the Union;" that the act of the last session had authorized her inhabitants to form for themselves a Constitution and State government, and had said "The said State, when formed, shall be admitted into the Union. . . . The people of Missouri had formed for themselves a State government by electing a Governor and members of the Legislature. . . . The compact is complete. . . . The State is formed. . . . The right of self-government once possessed can never be surrendered. . . . The proviso that the Constitution of Missouri should not be repugnant to that of the United States is inoperative, useless, surplusage. We might as well have enacted that the stars shall not obscure the sun to-morrow. . . . The Constitution does not say that Congress shall guarantee to every State in the Union a Constitution not regugnant to that of the United States. It says that the Constitution shall be the supreme law of the land, and the

[1] 16th Cong., Sess. 2, p. 542.

judges in every State shall be bound thereby, any thing in the Constitution of any State to the contrary, notwithstanding. . . . All the Constitutions of the States contained clauses repugnant to the Constitution of the United States, but the adoption thereof expunged them. Admission will have the same effect on the Constitution of a new State that adoption had on those of the old." The question is then very pertinently asked, "May Virginia send forty thousand free negroes to settle in the State of Ohio, and has the latter State no power to exclude them?"[1]

But in spite of all proof, all facts, all evidence that the thing they professed to be fighting for was a mere pretense, the opponents of Missouri's admission kept up the fight. Although it was shown, past contradiction, that the States had, none of them, ever granted to free negroes and mulattoes the privileges of full citizenship; that in every State there were restrictions on this class of people which could not be placed on citizens, yet the Northern majority persisted in their fictitious declarations that these people were citizens, and as such should not be excluded from Missouri, and as she did propose to exclude them from her borders, therefore she could not be permitted to enter the Union. These declarations were based on the ground that free negroes were permitted to vote in some of the States, as North Carolina for one. Of course they were a mere pretext, so flimsy as not to veil the real objection from sight of any one.

On the 13th of December the resolution to admit Missouri was rejected by 93 to 79.

January 4, 1821, Mr. Archer of Virginia offered a resolution to instruct the Committee on Judiciary to inquire whether there were any legal tribunals in Missouri derived from the authority of the United States, competent to the protection of the property and citizens of the

[1] 16th Cong., Sess. 2.

United States in Missouri—and, if not, what measures might be necessary for this purpose. This proposition was defeated, although Mr. Archer offered it several times, and spoke very earnestly in its support. Three times the vote was taken on it, and three times it was voted down in one week.

And now occurred a very peculiar episode in this contest for supremacy of power.

On January 12th, the first entry in the Journal read: "Mr. Lowndes presented three memorials of the Senate and House of Representatives of *the State of Missouri*," though not so stated in the Journal. Mr. Cobb (of Georgia) moved to amend the Journal by inserting the words, "the State of" before the word Missouri. After a discussion, in which Mr. Randolph insisted that the Journal should contain the truth, the vote was taken and stood 76 to 76. Whereon the Speaker (Mr. Taylor) declared his vote with the nays, so Mr. Cobb's amendment was rejected. Now comes the curious part of the business. Upon examination it was found that the original entry in the Journal corresponded with the caption of the memorial, but the words had been altered, and the words, "within the said State" had been erased in two places, so as to make the memorial apply not to the purchasers of land "within the said State" but throughout the United States.

It was asked if the Clerk had undertaken to make these alterations.

The Speaker then stated that "it was the duty of the Speaker to examine and correct the Journal before it was read. . . . If, then, it should not be regarded as correct, it is competent for any member to move to amend it, and for the House, should such be its pleasure, to direct it to be amended. In this instance he had thought proper so to correct the Journal as that it should not be taken either to affirm or deny that Missouri was

a State, the House being greatly divided in opinion on that question.[1]

Mr. Rhea then required that the Clerk read the Journal as it was before it was altered by the Speaker this morning.

"The Speaker pronounced that it was not in order to read any Journal, as the Journal of the House, but that which had been corrected by its presiding officer."[2] A decision which has surely never been surpassed by any congressional Czar whatever!

In course of the debate, John Randolph denounced "the record of our proceedings" as "a paper which contains, on the face of it, a palpable and atrocious falsehood." And "Old Tecumseh" asked, "What is Missouri? Is it a river? Is it a tribe of Indians?" Richard C. Anderson (of Kentucky) thought: "It is always wrong to fight where you can not but sustain defeat. It is always wrong for a minority to irritate a majority." But the contention went on, despite this lamb-like advice; vote after vote was taken, the Southern minority being voted down every time, and the question was only closed by the adjournment of the House, and its subsequent refusal to reconsider the subject.

"January 16, 1821, Henry Clay of Kentucky appeared and took his seat."[3]

By this time the excitement on the subject of the refusal to admit Missouri had arisen to fever heat. In its intense anxiety the country hailed Mr. Clay's arrival in Washington, whence he had been detained by ill health and business of a private nature, with the utmost enthusiasm. The people thought if any man could meet and avert the crisis, which seemed so imminent and so threatening, that Mr. Clay was that man. And he at once bent his energies to this purpose.

Previous to his arrival, Mr. Eustis (of Massachusetts) had offered a resolution to admit Missouri, on the day

[1] 16th Cong., Sess. 2, p. 846. [2] Idem, p. 849. [3] Idem, p. 871.

of —, to the Union "upon an equal footing with the original States" in all respects whatever: *Provided*, "that the 26th section of the 3d Article," which was the objectionable one, "shall, on or before that day, have been expunged therefrom." This resolution was, on the 24th of January, defeated by 146 nays to 6 yeas.[1] It did not suit either side. The Northern majority were not willing to admit Missouri with her slaves on any terms, and the Southern minority did not choose to yield the point of her equal right to make her own domestic regulations.

"So the resolution was rejected.

"After a pause—

"Mr. Clay rose and gave notice, that, if no other gentleman made a motion on the subject, he should, on the day after to-morrow, move to go into Committee of the Whole on the State of the Union, to take into consideration the resolution from the Senate on the subject of Missouri."[2]

Which, it will be remembered, had been passed with Mr. Eaton's proviso, on the 12th of December.

This was the first move made by Mr. Clay toward the Act under which Missouri was afterward admitted. The House had now voted just seventeen times against any thing looking to her admission; just seventeen times against its own "sacred compact," so-called; just seventeen times against its own act of the previous session, which it now sought to evade by an unworthy quibble, a fallacious pretense—and in utter disregard of that spirit of honor and good faith which should pervade public councils as well as private life, and which most emphatically demanded the keeping in full of the treaty by which Missouri was ceded to the United States—the keeping of it toward the inhabitants of Missouri who had gone there with their property under the protection of that treaty, as well as toward the French Govern-

[1] 16th Cong., Sess. 2, p. 944. [2] Idem, p. 944.

ment to which was pledged our national honor for its observance.

On the 29th of January, on motion of Mr. Clay, the House took up the Senate's resolution to admit Missouri.

"Mr. Clay delivered his sentiments at large on the present state of this question. He was in favor of the resolution from the Senate, and should vote for the resolution, even though more emphatically restricted against any supposed repugnance of one of its provisions to a provision of the Constitution of the United States, the existence of which, however, he did not by any means admit. . . Mr. Randolph renewed his motion to strike out the proviso, and spoke in support of it. . . . Mr. Sergeant (of Penntylvania) said he should vote for any amendment which should bring the resolution nearer to what he wished, but with a clear determination, for which he would hereafter assign his reasons, to vote against the resolution, however amended."

And this was the spirit which animated the greater part of the Northern majority during the entire struggle.

Tuesday, Jan. 30th, Mr. Foot (of Connecticut) offered to strike out Mr. Eaton's proviso and insert the following:

"*Provided,* That it shall be taken as a fundamental condition, upon which the said State is incorporated in the Union, that so much of the 26th section of the 3d Article of the Constitution which has been submitted to Congress, as declares it shall be the duty of the General Assembly 'to prevent free negroes and mulattoes from coming to, or settling in, this State, under any pretext whatever,' shall be expunged, within two years from the passage of this resolution, by the General Assembly of Missouri, in the manner prescribed for amending said Constitution."[1]

After some debate, Mr. Storrs (of New York) moved to strike out all of Mr. Foot's amendment after the word

[1] 16th Cong., Sess. 2, p. 986.

"Union" in the third line, and insert, "And to be of perpetual obligation on the said State (in faith whereof this resolution is passed by Congress) that no law shall ever be enacted by the said State, impairing or contravening the rights, privileges, or immunities secured to citizens of other States, by the Constitution of the United States: *And provided farther*, That the Legislature acting under the Constitution already adopted in Missouri as a State, shall, as a convention (for which purpose the consent of Congress is hereby granted), declare their assent by a public act to the said condition before the next session of Congress, and transmit to Congress an attested copy of such act, by the first day of the said session."[1]

Mr. Floyd (of Virginia) rose to protest against these proceedings. He knew there was "a North and South side to this question; but gentlemen are mistaken if they imagine our anxiety to admit Missouri so great, that we are willing to trample all the rights of the States under foot to effectuate that object. . . . I am at a great loss to know what has become of the States. They once existed. They once had rights. . . . By what rule is it a free negro of New York has more rights in Missouri than the native free negro of Missouri has, or than the same negro has, even in New York? . . .[2]

". . . Mr. Clay then, after an earnest appeal to all parts of the House to harmonize, and forever settle this distracting question to mutual satisfaction," proposed to have the several amendments printed. Which was agreed to. "Mr. Clay then gave notice he should again call up the subject to-morrow."

"Mr. Lowndes wished it deferred until Friday next, to give more time.

"Mr. Clay said he would compromise with his friend

[1] 16th Cong., Sess. 2, p. 990. [2] Idem, 994.

for Thursday. He did not like the idea of taking up this question on *Friday*."

"Mr. Cobb (of Georgia) proposed the following amendment, which was also ordered to be printed:

"That the Legislature of the State of Missouri shall pass no law impairing the privileges and immunities secured to citizens of each State, under the 1st clause of the 2d section of the 4th Article of the Constitution of the United States."[1]

Thursday, February 1st, on motion of Mr. Clay, the House took up the Missouri resolution and the amendments proposed thereto. Each and every amendment was voted down by the majority, notwithstanding Mr. Clay's earnest and animated support of them.

Friday, the 20th, Mr. McLane (of Delaware) offered in lieu of Mr. Eaton's proviso:

"*Provided*, That nothing in the Constitution of said State of Missouri shall be so construed as to authorize or make it obligatory on the Legislature to pass any law denying to the citizens of each State any of the privileges and immunities of the citizens of the several States: *And provided further*, That no law of the said State shall be construed to deny to the citizens of each State any of the privileges and immunities of citizens of the several States."

After a long debate, which embraced the evils of slavery, the rights of the South, the balance of power, and the nature of the obligations and benefits of the Union, this amendment was defeated by 88 to 79—Mr. Randolph voting with the Northern majority.

Mr. Storrs then renewed, in substance, his amendment—it was defeated by 92 to 75.

Mr. S. Moore then moved an amendment very much like the others—it only received 56 yeas.

"Mr. Clay, then seeing that all effort at amendment had failed, and anxious to make a last effort to settle

[1] 16th Cong., Sess. 2, p. 995.

this distracting question, moved to refer the Senate's resolution to a committee of thirteen members."

This was agreed to, and the committee appointed were five Southern gentlemen and eight Northern ones, Mr. Clay, Chairman.

On February 10th, the Committee reported that there existed the same diversity of opinions in the Committee as in the House, but, ardently wishing an amicable termination of the question, they submitted the following proposed amendment—hoping it might be received in the same spirit in which it had been devised:

"Strike out all after the word 'be' in the third line of the Senate's resolution and insert: 'Admitted into the Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the said State shall never pass any laws preventing any description of persons from coming to and settling in the said State, who are now, or hereafter may become, citizens of any of the States of this Union: *And provided also*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the 4th day of November next, an authentic copy of the said act, upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union shall be considered complete: *And provided farther*, That nothing herein contained shall be construed to take from the said State of Missouri, when admitted into this Union, the exercise of any right or power which can now be constitutionally exercised by any of the original States.'"[1]

Mr. Tomlison (of Connecticut) dissented to the report of the Committee on the ground that—"The Legislature of Missouri will be required by the authority of Congress

[1] 16th Cong., Sess. 2, p. 1080.

to stipulate by a solemn public act, that the Legislature of said State shall never pass a law which their Constitution makes it their duty to pass. . . . It is nothing less than admitting the existence of a power to abrogate, by a legislative act, the Constitution of a State. . . .

"The same Legislature may annul any other part of the Constitution. . . . If Congress possess the power to authorize the Legislature of Missouri to alter or amend the Constitution, they can authorize any other body of men to do it." He objected on another score that this act made the *President* admit Missouri, whereas it was the duty of Congress to do so. He was as anxious to see this distracting question settled as Mr. Clay, but it must be on constitutional principles; "on a fair, just, and constitutional basis." He contended that the requirement of this act "is humbling to Missouri. It substantially requires the members of her Legislature perpetually to disregard their oaths." . . . He asks: "But should the Legislature of Missouri already elected . . . submit to this 'fundamental condition,' and 'by a solemn act declare the assent of the said State' thereto, . . . would a subsequent Legislature, acting under the same Constitution, and feeling the obligation of an oath to support that Constitution, . . . would they be bound in good faith to fulfill a pledge which their predecessors had no right to make? As honest men, which would control their acts, the unauthorized pledge of their predecessors or the Constitution of the State? . . . I will say that, by violating an unconstitutional stipulation of their predecessors, they would not forfeit this character. Sir, the act required of Missouri is a mere legislative act, and a subsequent Legislature may at all times repeal it. It may be called 'a solemn public act,' but words will not change its character; disguise it as you will, it is noth-

ing more than an act of the Legislature of Missouri, repealable at their pleasure.'"[1]

So true is the above argument, so apt, and so forcible, it is wonderful that its lesson should not have been conveyed to the mind of every one who heard it.

After an eloquent speech from Mr. Wm. Brown (of Kentucky), who gave a history of the Missouri difficulty from the beginning, showing very clearly that it was not a matter of humanity or principle, but solely a struggle for power—that it was the same spirit which had animated the Hartford Convention which he denounced in forcible terms, but from whose proceedings he exempted "the *good* people of the New England States"—and closed with a powerful appeal for the admission of Missouri.

The vote being taken, the House voted to sustain the amendment of the Committee by 86 to 83. But, upon ordering the resolution to be read the third time, it was voted down by 83 to 80. So the whole resolution for admission, amendment and all, was rejected.

The vote was very much mixed up; some of the Southern men voted against the amendment, but, after that was carried, they voted for the resolution as amended, while some of the Northern men who voted for the amendment voted against the resolution after it was amended. As Mr. Sergeant had declared he should do. John Randolph voted with the Northern men every time—against every amendment and every resolution—on the principle that they were all wrong in principle, and he voted against them, because, like Mr. Tomlinson, he was not willing to agree to any thing he believed unconstitutional even if forced to vote along with his square out opponents in order to defeat such measures.

This amendment of the Select Committee made the seventh which had been rejected in connection with the

[2] 16th Cong., Sess. 2, pp. 1097–1100.

resolution from the Senate, and just twenty-four times that the House had virtually refused Missouri that admission to which she was entitled without condition under the Constitution and by every obligation of good faith and national honor.

On the 13th, it was decided to reconsider the vote of rejection; and Mr. Clark (of New York) lets in so much light on the singular state of affairs that we give his remarks without comment. After referring to the fact that he had, the previous session, supported the restriction of slavery in Missouri in every instance by his vote, and stating that he would not now consent to observe a Punic faith, even with Missouri, he speaks of the "unparalleled suffering and distress" prevalent in the country, and reproaches Congress for so neglecting all the vital interests of the country in the discussion of the merits or demerits of the Constitution of Missouri. Then he asks: "Sir, upon the supposition that this proposition is rejected, I would solemnly ask gentlemen what will suit them? Will you admit Missouri unconditionally? No. Will you admit her with the condition annexed by the Senate? No. Will you admit her by that resolution as amended by your Committee? No. . . . Sir, the course pursued by this House on this subject is (to say the least of it) most extraordinary. You will neither dismiss it nor decide on it, but you cling to this firebrand of discord with the utmost pertinacity without intimating what your ultimate object is. Is it with a hope that others will do for you what you wish done, but dare not do? Is it with a hope that you will tire out some of the Northern members so that they will unite with the South upon some plan of admission which will pass, and to which, at the same time, you will have the pleasure to give your negative, and by this means evade the odium which you think will attach to an act which you wish accomplished? . . .

"Sir, this course of policy may serve for a time, but it will not always last. I will never advise a man to be

engaged in an act in which I could not consider myself justified in co-operating. I can not consent, as a member of this House, to act the part of a waterman, looking one way and rowing another."[1]

Other earnest and impassioned appeals followed. "Mr. Clay concluded the main debate by a speech of about an hour's length, in which he alternately reasoned, remonstrated, and entreated with the House to settle forever this agitating question, by passing the resolution before it."

The House declined by a vote of 88 to 82. So all of Mr. Clay's eloquence, his superior diplomatic talent, his wonderful magnetic personality, failed to effect this measure.

Of the 88 nays, one was that uncompromising spirit, John Randolph, who so often voted against his friends, on pure principle. Of the 82 yeas, 14 were Northern conservatives who, like Mr. Clark, were willing to see justice done as far as possible, and were anxious to preserve peace.

Meantime, the votes for President and Vice-President were to be counted. The Senators and Representatives elect from Missouri had not been permitted to take their seats; and, some difficulty being apprehended as to the votes of Missouri's Electors, a Special Committee was appointed on the subject, from which Mr. Clay reported that they recommend Missouri's votes to be counted hypothetically—that is, if Missouri's votes were counted, the result would be: for A. B., President of the United States, —— votes; if not counted, for A. B., as President of the United States, —— votes; but, in either event, A. B. is elected President of the United States; and so for Vice-President.

After a deal of wrangling and arguing, this method was adopted; and the President of the Senate announced the vote:

[1] 16th Cong., Sess. 2, p. 1127.

"Were the votes of Missouri to be counted, the results would be, for James Monroe, of Virginia, for President of the United States, 231 votes; if not counted, for James Monroe, 228 votes." And so of Daniel Tompkins, of New York, for Vice-President. "In either event," James Monroe and Daniel Tompkins had "a majority of the votes of the whole number of electors." So they were declared duly elected—though under protest of members, and in the midst of great confusion. Mr. Randolph declared the whole proceeding irregular and illegal, and offered resolutions to that effect—but it was moved to adjourn and the motion carried.

This was on the 14th of February.

A week after, the 21st, was driven home the wedge which opened the way for the easy passage of Mr. Clay's "solemn public act," and "fundamental condition," which was to be the door by which Missouri should at last enter the Union.

This entering wedge was the direct proposal by Mr. Brown (of Kentucky): "That the Committee on the Judiciary be directed to inquire into the expediency of repealing the eighth section of the Act of Congress, approved March 6, 1820," entitled, "An act to authorize the people of Missouri Territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories:" "said eighth section imposing a prohibition and restriction upon the introduction of slaves in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30′ north latitude, not included in the State, contemplated by that act."

Mr. Brown supported this resolution in a speech that, for candor, fairness, straightforward honesty, good sense, and patriotism, is unsurpassable. No apology is necessary for quoting from it at length.

After some preliminary remarks, he speaks of his

constituents, and says: "I made them no vain promises of doing, or attempting to do, much; but I did promise to be faithful and zealous in watching over and preserving their best interests, as far as my humble qualifications should enable me to do. Owing, sir, to that credulity incident to sincerity and inexperience, I feel myself constrained to acknowledge my co-operation in so managing the subject of Missouri and restriction as to have inflicted upon their interests an extensive injury. My object is to regain for them, by following up the purpose of this resolution, a part of what has been lost by mismanagement. . . . The object of this resolution I never should have favored; so far from it, that I would have felt myself dishonored by giving it support or encouragement, had not faith been broken by the other party to the compact,[1] and Missouri been rejected. This having been done, I feel myself at liberty—nay, more, I feel it my imperative duty—to offer this resolution." He states that he had, at the solicitation of Mr. Baldwin (of Pennsylvania), delayed offering the resolution, hoping that some measure might be originated by which Missouri might be admitted. But he goes on: "I acknowledge that I can see no good ground for an expectation that any thing further can be done. . . . The minority, sir, have urged peace and good will, and have acknowledged and cringed, until I feel myself driven to the wall, and my feelings outraged. There is a point beyond which importunity deserves reproach;" . . . After stating that he had upon every occasion "consulted the good of the whole," whether North, South, East, or West: "Becoming thus satisfied that kind offices, persuasive arguments, and solid reasoning were appealed to in vain, I frankly acknowledge that I know of no course left more likely to avoid greater evils

[1] Mr. Brown recognizes the compromise as a compact, but a broken compact, no longer of any force. Mr. Clark had also seemed to think of it in that light, when he spoke of a "Punic faith."

than a mild but unvarying system of retaliation; under the operation of which different classes and sections of the United States might become convinced, from appeals to their interest, that mutual kindness and a reciprocal spirit of concession ought to influence our councils." He then states why he had not advised with Mr. Clay, his friend and messmate, than whom he had no friend living whose approbation he would more highly prize. Mr. Clay had not yet despaired of something being done, and might have advised the withholding of his resolution—and he preferred to act without his possible approbation than against his probable advice. He then demands of Congress, "upon the principles of eternal justice," "not for myself, but for one-half of the United States, the repeal of this restriction upon the territory west and north of Missouri. The consideration promised for this restriction has not been paid; the plighted faith of Congress for the admission of Missouri has been violated; then take off, at least, the restriction. Give us Missouri without restriction; or place us in the same situation, by taking it off of the territory in which we were when you entered into the covenant, and gave us the solemn pledge of a law to do so." He refers to the fact that the prohibition of slavery in this territory will amount to the practical exclusion from it of those "who have contributed so largely and most largely to its acquisition." He speaks of the theory that in the slaveholding States "manual labor dishonored the hands of freemen." He shows the falsity of this idea—and says that, in the South, "if a poor man goes to the house of his wealthier neighbor, he is met cordially, taken by the hand, and is a welcome guest at the hospitable board. Whereas, in the North, the poor and miserable whites are employed in all the servile round of duties from the stable to the kitchen; and often stand trembling in the presence of their august employers, in practice and truth their masters." "Thus the poor laboring white man is degraded and dishonored in the non-slaveholding States;

whilst in those of the opposite character he is saved and redeemed by the intervention of the blacks." Speaking of the non-slaveholding States, he says: "We never have, and never will, submit to have our natural and Constitutional rights revised and qualified by them; we deny their authority to catechise us, and to fulminate their denunciations against our principles of morality, religion, or honor. . . . Sir, I wish it understood that I am no friend of African slavery, . . . and I will pledge myself to go as far as most men for its amelioration or abolition. But I owe higher obligations to the white population of the United States, particularly to those who have sent me here; to my friends and family, than those which I feel, or ought to feel, for the black. Mr. Speaker, it should never be forgotten that, according to the laws of the slaveholding States, slaves are property, and protected by the Constitution of the United States." He then relates his interview with the post-rider, who had told him the year before that he had been "*Yankied*" "by giving up the restriction on the Territory for a right to which Missouri was entitled without it." He imagines the question this honest fellow will ask him—on his return home—and how he will have to answer that it "had been the opinion of a majority that they could not trust to the Constitution of the United States to weigh against the Constitution of Missouri." The inquiry will then be made, "Whether, as the first section of the law which provides for the admission of Missouri had been violated, the last section of the same law, which imposed the restriction as the consideration of the admission of Missouri, had not been repealed?"

The point could hardly have been presented more forcibly than in this imaginary question. Mr. Brown's proposal to repeal the 8th section did not pass, but it produced an effect that nothing else had done.

On the next day, after this stirring appeal backed by the resolution to restore their right in the territories to the Southern people, Mr. Clay proposed that a Commit-

tee on the part of the House be appointed to meet with a like Committee from the Senate, and to report "whether it be expedient or not to make provision for the admission of Missouri into the Union on the same footing as the original States, and for the due execution of the laws of the United States, within Missouri; and, if not, whether any other, and what provision, adapted to her actual condition, ought to be made by law."

The resolution offered by Mr. Clay passed in the affirmative after about an hour's debate—yeas, 101, nays, 55. About 10 or 12 of the 55 nays were Southern votes —Mr. Randolph of course making one—Butler, Edwards, Floyd, Garnett, Johnson, Jones, Nelson, Parker, Randolph and Williams were all Southern men, and all voted nay.

It will be remembered that Mr. Archer's proposition to the very same effect as Mr. Clay's, had been voted down three times in one week—but Mr. Brown had not then proposed to repeal the Missouri Compromise, so-called.

Mr. Clay then moved that the Committee consist of twenty-three members, to be elected by ballot, pursuant to the rules of the House, which was done. Seven gentlemen from the Senate met with the House Committee, and on the 26th of February, Mr. Clay reported from the joint Committee, the following resolution:[1]

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That Missouri shall be admitted into the Union on an equal footing with the original States in all respects whatever, upon the fundamental condition that the 4th clause of the 26th section of the 3d Article of the Constitution submitted on the part of said State to Congress shall

[1] Which, it will be observed, omits that clause which retains for Missouri "the exercise of any right or power which can now be constitutionally exercised by any of the original States." Otherwise, it was the same in substance as the resolution reported by Mr. Clay from the Committee of Thirteen.

never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the Legislature of said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of said act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without further proceedings on the part of Congress, the admission of the said State into the Union shall be considered as complete.'"[1]

On the same day, the House took up the resolution—Mr. Clay briefly explained the views of the Committee—there was some little talk by other members, the vote was taken, and the resolution passed by 86 to 82.

In the Senate, Wednesday, February 28, 1821, "The resolution from the House of Representatives for the admission of the State of Missouri into the Union on a certain condition, was read the third time.

"On the question, 'Shall this resolution pass?'" it was determined in the affirmative, yeas, 28, nays, 14, as follows:

"Yeas—Messrs. Barbour, Chandler, Eaton, Edwards, Gaillard, Holmes of Maine, Holmes of Mississippi, Horsey, Hunter, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lowrie, Morrill, Parrott, Pinckney, Pleasants, Roberts, Southard, Stokes, Talbot, Taylor, Thomas, Van Dyke, Walker of Alabama, Walker of Georgia, Williams of Mississippi and Williams of Tennessee.

"Nays—Messrs. Dana, Dickerson. King of New York,

[1] 16th Cong., Sess. 2, p. 1228.

Knight, Lanman, Macon, Mills, Noble, Otis, Ruggles, Sanford, Smith, Tichnor and Trimble."[1]

So at last this question was decided—for good or ill, it was done with for the time.

It is to be noted that Mr. Smith and Mr. Macon in the Senate, and Mr. Randolph in the House, voted time after time with the Northern side. They had wished to defeat the compromise of 1820, of which they did not approve—nor did they now any more believe in, or approve of, "the solemn public act" to be performed by the Legislature of Missouri in 1821. They evidently voted uncompromisingly upon principle alone. Had the whole South acted on the same basis, what might have been the result? Had they, with certainly all the constitutional right on their side, maintained it with as much persistence as the North showed in maintaining her own unconstitutional and unjust assumptions, what might *not* have been the result? It is a subject for speculation, of deep interest to those to whom history is valuable, as "philosophy teaching by example."

Which was in the right, stern, uncompromising John Randolph, always voting with the other side, or gentle Richard Anderson, who thought it useless to fight in the face of defeat, and that "a minority ought not to irritate the majority." We all know the fate of the Lamb who endeavored to conciliate the Wolf.

Whatever may be the judgment as to this, no one who has read this account of the Missouri Compromise of 1820, and of the second Missouri Compromise (second surrender rather) in 1821, but must see that the majority of the Northern men did not then claim the act of 1820 as a compact between North and South; they claimed it, on the contrary, as a contract between the United States and Missouri. They knew that the prohibitory restriction on the territories was the very essence of usurpatory power; they knew it was unjust

[1] See Annals of Congress.

to the last degree, and that they had forced it on a people who loved their country more than power, and who suffered themselves to be rifled of one right in their fear of losing another possession, the Union of their fathers, still more dear to them. But success had made the North drunk with power on the one hand, and on the other the further greed of it had tempted them, as the disappointment of their constituents had goaded them, to demand still more of the South; the South which had already given them the North-western Territory containing 250,000 square miles, out of which were created the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, had already yielded up to their insatiate demands all of that territory North of 36° 30′ amounting to over 700,000 square miles, and containing the now States of Kansas, Nebraska, Iowa, Minnesota, North and South Dakota, the greater part of Montana and Wyoming, and the northern half of Colorado. And it was only the dread of losing all of this great territory, as suggested by Mr. Brown's resolution and speech, that induced them now to resign Missouri and to vote to admit her on that "fundamental condition" and by that "solemn public act," of which Mr. Clay said in the same great speech of 1850, already quoted from:

"After all this excitement throughout the country had reached to such an alarming point that the Union itself was supposed to be in the most imminent peril and danger, all parties were satisfied with a declaration of an incontestable principle of constitutional law, that when the Constitution of a State is violative, in its provisions, of the Constitution of the United States, the Constitution of the United States is to be paramount, and the Constitution of the State in that particular is a nullity and void. That was all. They wanted something for a justification of the course they took. There is a great deal of language there of a high sounding character; it shall be a "fundamental act;" it shall be a "solemn and authentic" act; but at last, when you

come to strip it of all its verbiage, it is nothing more than the principle I have announced of the paramount character of the Constitution of the United States over any local Constitution of any one of the States of this Union."

It is thus that Mr. Clay spoke in 1850 of the Legislation through which Missouri was permitted to enter the Union, and which Judge Douglas afterward termed "the richest specimen of irony and sarcasm that has ever been incorporated into a solemn public act."[1]

And it is easy to believe the statement made in the Senate, that Mr. Clay had on the floor of the Senate said, in substance, that he "laughed in his sleeve at the idea that people were so easily satisfied."[2]

The Act of 1821, by which Congress agreed to admit Missouri, was either a nullity or a second Constitutional crime, as the Act of 1820 was the first in relation to this question; a Constitutional crime, for it required the Legislature of a State to annul and abrogate the Constitution which it had sworn to obey. Mr. Clay, however, evidently regarded it as a mere farce—an absurdity, a nullity—which had "satisfied" the people and so fulfilled its purpose But people were not so much satisfied as they were scared; the Northern men feared the Territories might be taken from them, and as they had kept Missouri out on a quibble, so now they were glad to admit her on a nullity, for they would not have dared face their constituencies with the loss of both Missouri and the Territories out of their own sole possession.

It was under this solemn legislative farce that Missouri was admitted to the Union. She was never admitted at all under the Act of 1820. If that act were ever a compact between North and South, its conditions were that if the South would agree to prohibit slavery north of 36° 30′, the North would agree to admit Missouri. In less than a year, Missouri was refused admis-

[1] App. Cong. Globe, Vol. 29, p. 331 [2] Idem, p. 147.

sion by Northern votes, the compact was broken by the Northern majority in the House, and its violation was continued through weeks and months of deliberation and reflection; and when Missouri was admitted, it was under an entirely new condition and an entirely different act from that which embraced the compact (so-called) of 1820.

Now, is a compact between two parties binding on the one party, after the other has broken and repudiated it?

The whole voting, through three sessions of Congress, showed clearly that there was no idea of any "sacred compact." It was purely a contest for power and territory, in which the North was the stronger and won. The South regarded the restriction as an imposition which she could not successfully resist without a fight, and she preferred to yield up a right rather than destroy the Union. The North regarded the restriction, certainly, not as a sacred compact, but as an advantage gained, which of course she would never willingly resign.

If the Act of 1820 were ever a compact between North and South, it was the North who broke it in 1821; if "plighted faith" were ever violated in regard to that act, as has been so loudly proclaimed, it was the North who violated it in 1821. But the historian, who has traced these events to their source and true beginning, will never adjudge this legislation to have been a sacred compact between North and South, for not more than one-half of the Southern men in the House voted aye on the passage of that famous act—whilst in 1821, out of 92 Northern votes, only 13 of them could be gotten for Mr. Clay's resolution admitting Missouri—thus showing that "all parties were not satisfied with the declaration of an incontestable principle," but rather that, as Mr. Clark stated, "they were willing to have done for them that which they had not the courage to do themselves." Whilst neither had Congress any right whatever to make any sectional compact by which to deprive one section

of the Union of any right appertaining to her citizens—or divesting any portion of them of that right to protection of their property to which they were entitled under the Constitution, and which property was secured to them during their territorial condition by the terms of the treaty of purchase from Napoleon.

Had the provisions of the Constitution been strictly adhered to in 1820, the war between the States might never have been fought. But from the day that only 37 Southern votes and 5 Northern ones were cast in the House against the Missouri Compromise Act of 1820, whilst 134 votes were cast for it, that war was almost a certainty in the future. It might be near or it might be far, but it was sure as death itself, unless it could be prevented by the interposition of patriotism. The Constitution was on that day violated by every Northern man who voted for that bill, and by every Southern man as well. The only excuse for the Southerners, in their violation of the Constitution, was that they acted from a good motive, though a mistaken policy, as it appears to the writer.

But what was the motive, and what was the excuse for the Northerners, who were in no danger whatever, from any source, to their homes, their families, or their equal rights in the government?

Southern brains had aided in creating the government, Southern arms in maintaining, and Southern money in supporting it. But now, in 1820, in this crucial test, it was Southern love for the Union, the child it had helped to create, that alone withheld the cruel sword which would have divided it into two parts. Like the mother, whose heart the wise king truly divined, the South preferred yielding up her own rights in the child to seeing it destroyed. Hers was the true love.

But it was not rewarded as King Solomon rewarded the love of the mother. On the contrary, the case has all along rather resembled that of the Lamb and the Wolf—the more the South yielded, the more she was

required to yield, and the more she was upbraided as the aggressor.

The Southerners were always an open-hearted, out spoken, fearless, generous race of men; a trifle haughty, it may be, but never jealous; impetuous in temper, but cool in judgment; exacting as to personal courtesies, but magnanimous in granting great advantages; devoted to their homes, their families and their country. Such were the men who, in 1820, had to confront a question involving the peace of their country, the safety of their homes and families, and their own political rights of equality in the Union, and self-government in the State.

Did they decide it aright?

From the day that 14 Southern Senators and at least half of the Southern Representatives cast their votes for the Act of 1820, the principle of the equal rights of the States was yielded up; also, the principle that Congress had no powers to take away any right from the people, save as those powers had been delegated to it by the Constitution which the people of the States had accepted as the bond of their Union.

The Ordinance of 1787 was quoted as furnishing an example of the powers of Congress in this respect. The cases were not parallel at all. In the one instance, Virginia, as a sovereign State, chose to acquiesce in an act which no one but herself had any right to dispute. She had the supreme right over her own territory; if she chose to ignore the fact that the Congress of the Confederacy had passed an ordinance in contravention of her deed of cession, if she still chose to continue to ignore this fact, and furthermore chose to ratify the articles of that ordinance, thus rendering them in part her own act, as she did previous to the passage of the same ordinance by the new Congress of 1789 under the new Constitution, she had the perfect right to do so, and it was nobody's business even to ask her motives.

But had Virginia chosen to object, there is no ques-

tion that she would have had the right to object to her territory being used in a way totally at variance with the conditions under which she had made her cession of it.

In the other case, the people of one-half of the States were virtually excluded by a mere Congressional Act from occupation of territory to which they had the same right as those of the other half who were thus given sole possession of it. Congress, a party who did not own the land, took from a portion of those who did own it their rightful share, to bestow upon others, without any manner of right to do so. Congress deprived the whole Southern people of the right to which they were undoubtedly entitled under the bond of the Union of the States, to enter and settle the Territories, and to be protected therein in their lives, liberty, and property. Their slaves were their property. Had Congress the right, even by the largest majority, to thus deprive the Southern people of land and of political equality?

Whence did they derive such right which they claimed and exercised in the passage of the Missouri Compromise Act of 1820?

CHAPTER V.

1836—Abolition Agitation of 1836—John Quincy Adams.

The hydra-headed, many-sided question of slavery had been pretty well kept in abeyance, after the Missouri difficulty was settled, until 1832, when it was again brought before the American people by the formation of the first Abolition Society, called the "New England Anti-Slavery Society." Others of the same sort followed in rapid succession. They at once put forth a full "declaration of their sentiments," which were, that "all slaves should be instantly set free without compensation to their owners,[1] and that they should be "ultimately elevated to an equality with the whites in civil and religious privileges."[2] It was declared in one of their earliest manifestoes that "the sword now drawn will not be sheathed until victory is ours, . . . until the slave, fearless and free, shall till the land of his thraldom *enriched with the blood of his master.*"[3]

In December, 1835, these societies numbered three hundred and fifty, and had a membership of one hundred thousand. They sent out their agents, employing both pulpit and press to stir up insurrections among the slaves of the South. The mails were flooded with the most incendiary publications and the grossest pictorial misrepresentations of the Southern people, of which one will suffice as an illustration. A planter carried out in a palanquin, being fanned by several slaves, and looking on at a number of half-naked negroes being lashed as they worked, by overseers.

These societies were composed mainly of women,

[1] App. to Cong. Globe, 24th Cong., Sess. 1, p. 565.
[2] Idem, p. 566. [3] Idem, p. 568. Italics the author's.

children, visionary enthusiasts, needy individuals, and the men who received pay from some quarter for getting up the agitation. There were impecunious editors who were glad to turn a few pennies by libelous prints and slanders on the South; there were long-haired preachers with small congregations, glad to add to their own importance and to eke out their slender salaries by an addition thereto for preaching against a people whom they had never known, and against a sin which had never once been denounced by their Savior; though the slavery of His day was far more reprehensible than the African slavery of the Southern States—as the one civilized barbarians, whilst the other enslaved men of the highest civilization and culture known in the world.

How many foreign emissaries in the pay of English Abolitionists were on the roll is not known, but the Abolitionists were entitled the "English Abolition" party. The Americans had, however, made a great advance over their English predecessors. Great Britain had paid her citizens in Jamaica a large sum for their slaves when she emancipated them; whereas our American brothers proposed that our slaves should slaughter their masters and then take possession of their lands. Doubtless, it seemed to the Abolition leaders that it would be an easier thing to take away the lands of the South from the negroes if they could only get rid of their masters, than it would be to take them from that grand Anglo-Saxon race who owned both land and negroes. And that to take these lands was the declared purpose of at least one of the most prominent Abolition leaders, will be presently shown.

How far England may have interested herself at this time to "irritate the South and conciliate the North," in order to bring about that separation between the sections which she so ardently desired, and which was a part of her program in 1809–1812, has never been fully revealed, so far as the author can learn, but the suspicion and evidence of it were so strong as to add to the intense

dislike of the Abolition party, and their avowed sentiments, by the Northern people; which dislike was prevalent among the better part of them for years.

In law, motive is regarded as strong presumptive evidence, and England's motive at this time is plain and clear. She was very desirous to acquire for herself the fine Texas sea-ports, the possession of which would give her control of the Gulf of Mexico. To do this she must of course prevent the acquisition of Texas by the United States, and she could further this purpose in no way so likely to reach the end desired as by fomenting discord between the sections on the question of the abolition of slavery, and thus induce the North to oppose the annexation of that country. Any one who will read the speeches of that day in the British Parliament, or those of the President of her great Abolition society, will find abundant evidence as to her motive in this matter.[1]

The American nation at large resented this proposed interference in their affairs as presumptuous in the extreme, even though only in speech, and one of the terms of reproach hurled against Mr. Adams in 1836, was, that he was in league with the English Abolition party.

George Thomson, the English Abolition lecturer, expelled from England for his crimes, was repeatedly mobbed by the people of the Northern States, was burned in effigy, and escaped narrowly with his life on several occasions.[2]

[1] See Annals of Congress for extracts from said speeches.

[2] When in Washington, in 1854, Hon. Gerrit Smith, Whig member from New York, called to see me. A large, fine-looking man, with black, piercing, restless eyes, vivacious expression and genial manners, he seemed withal a visionary and an enthusiast. We had a very pleasant talk, and then I said: "How in the world did such a clever man as you (clever in the Southern sense) ever come to be an Abolitionist?" He laughed, and said: "I will tell you. In 1825 I was a young man practicing law in Utica (I *think* he said Utica). My office door was open, and a man walked in and said to me: 'You talk about the effête monarchies of Europe, but this, your boasted land of freedom, is the first place I ever was in where a man could not speak his sentiments freely in favor of liberty. I have been to New York, and they

In the town of Canaan, New Hampshire, an attempt was made by the Abolition Society to establish a school for the instruction of colored persons that might be sent there from abroad. The inhabitants expostulated, entreated those who would force the scheme to desist—"finding they could rid themselves of the nuisance in no other way, they collected *en masse*, brought with them some two hundred yoke of oxen, and proceeded quietly to remove the edifice in which the colored youth were to be instructed."[1]

All over the North immense meetings were held condemnatory of the Abolition societies and their avowed purposes, one of them declaring that "the land of the Pinckneys, Marions, and a host of other Southern men who periled with *our* fathers 'their lives, their fortunes, and their sacred honor,' in a common cause, deserve as a *right*, not as a *favor*, the protecting influence and support of every Northern patriot."[2]

And Governor Marcy, of New York, proposed in his message to the Legislature to suppress Abolition by legislative enactment.[3]

Such was the sentiment of the people of the North at large, as distinguished from the Abolitionists, for many years.[4]

mobbed me—to Boston, and they rotten-egged me—and now your Mayor here refuses to let me speak in your town-hall!' He said he was George Thomson, and had been sent over to this country from England by the Abolition society there, to lecture on Abolitionism. I was greatly opposed to it myself, but all my pride of country was roused by the allusion to 'effête monarchies' and I told Mr. Thomson that he *should* speak as much and as long as he pleased. I went out and secured him a room, and he delivered his address to an audience of *three*, of whom I was one. He converted me, *and I have been an Abolitionist ever since.*"

Hon. Gerrit Smith was one of the earliest, most noted, and doubtless, most sincere of Abolitionists.—AUTHOR.

[1] App. to Cong. Globe, 24th Cong., Sess. 1, 1835–1836, p. 90.

[2] 24th Cong., Sess. 1, p. 120. [3] Idem, App., p. 140 (1836).

[4] This is from Thorndyke Rice's book of Reminiscences of Lincoln. It was written by Don Piatt, a Northern man, and is given to show a Northern man's views of the *ante-bellum* situation.

Speaking of Lincoln, he said: "He knew and saw clearly that the

But the Abolition agitation of 1836 marked an era in the history of our country.

It changed the entire feelings and policy of the greater part of the Southern people. For whereas so large a proportion of them had been heretofore most ardent members of the Liberian Colonization societies, *now*, in face of the threats of force, and of the bitter denunciations hurled against them by the Abolitionists, whose rapid increase greatly alarmed them for the safety of their property, their homes, their families, and their country, they determined to hold their slaves to the end, searched their bibles for scriptural justification, and declared slavery to be a blessing instead of the curse they had hitherto deemed it. And in all this they were perfectly sincere. They would, like Harry Percy, yield nothing to force—"Not a Scot"—"by this hand."

It also inaugurated the commencement of the reign of that fanatic madness of the North which at last culminated in the bloodshed of our best and bravest, both North and South, and the desolation of the fairest portion of our land.

The principal and most distinguished agitator was

people of the free States had, not only no sympathy with the abolition of slavery, but held fanatics, as Abolitionists were called, in utter abhorrence.

While it seemed a cheap philanthropy, and therefore popular, to free another man's slave, the fact was that it was not another man's slave.

The unrequited toil of the slave was more valuable to the North than to the South.

With our keen business instincts, we of the free States utilized the brutal work of the masters.

They made, without saving, all that we accumulated.

The Abolitionist was hunted and imprisoned under the shadow of the Bunker Hill monument as keenly as he was tracked by bloodhounds at the South. Wendell Phillips, the silver-tongued advocate of human rights, was, while Mr. Lincoln talked to us, being ostracised at Boston and rotten-egged at Cincinnati."—[Reminiscences of Abraham Lincoln, by Distinguished Men of His Time, edited by Allen Thorndyke Rice, p. 482.]

John Quincy Adams, of Massachusetts, *quondam* President, and at that time member of Congress.

President Jackson, in his message of December 7, 1835, called attention to the "painful excitement" produced in the South by the attempts of the Abolitionists to produce insurrection among the slaves, but declares his perfect confidence in "the good sense, the generous feeling, and the deep rooted attachment" to the Union of the people of the non-slaveholding States, to discourage, and if necessary promptly to "exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil." [1]

Mr. Adams evidently hated General Jackson with a mortal hatred, as a political rival and a successful one. It would seem to be a settled feature of political policy that a successful candidate is to have his administration embarrassed as much as possible by those over whom he has been victorious. Certainly Mr. Adams must have been animated by some ulterior or hidden motive, in the singular persistence of his course in the matter of presenting Abolition petitions at this time, other than either patriotism or fanaticism.

It was stated on the floor of the House by Mr. Preston, of South Carolina, that there had been presented during this session "no less than twenty-eight thousand of these petitions." [2] Some of them were couched in language at once offensive and unparliamentary. They related chiefly to the abolition of slavery in the District of Columbia, praying Congress to abolish slavery and the slave trade there, and many of them were signed exclusively by women, or women and children. The greater part of them were presented by Mr. Adams, whilst Mr. Giddings, of Ohio, and some other Abolitionists, were responsible for the balance.

In respect to the slave trade in the District, it has always appeared to the writer that the Southern members of Congress committed an error of judgment in that

[1] App. to Cong. Globe, 24th Cong., Sess. 1, p. 10. [2] Idem, p. 336.

they did not themselves insist on putting a stop to the use of our Capitol city as a slave mart for the adjacent States. The undoubted and pressing necessity for the transference of the surplus negro population from those States (where under the humane system of slavery then existing they multiplied so rapidly that the old labor-worn lands could no longer afford a maintenance for all) to the cotton fields of the South as the only way by which this Malthusian problem could be solved, was probably not understood by either the Northern men or the foreigners who looked on at the sale of these slaves with a horror that was natural to men who knew nothing of the situation or its *rationale*.

The Malthusian problem had not then become in the North, as now, the living, vital problem of the hour. You did not then see in the great cities, as now, the thousands of grimy, despairing, desperate faces, the faces of the starving.[1] The question of political economy involved in the sale of the slaves to the far South, with her wide fields and generous lands, was incapable of comprehension to the majority of those persons, women and children, who protested against the internal trade as carried on at the Capitol. They saw only the shackles, the auction block, the separation of families, the weeping of those sent away from their happy homes, and, knowing nothing of the real causes of these things, saw only the apparent cruelty. The word *apparent* is used advisedly.

The Southern members of Congress should have understood human nature well enough to know that by persistence in such a method, they were furnishing a most effective handle to their opponents by rousing against the Southern section all the better feelings of humanity, and they should, in wisdom, have avoided this.

Those opponents did not choose to state the facts of the case which every informed man among them knew to be true—that the slaves were, really, an inheritance

[1] This was written in New York, in 1894–5.—Author.

from the past, that *their* section of country was equally guilty with the South (or more so) in the matter of their importation, that the financial prosperity of the North was based largely on the moneys received from the South for slaves, not only those imported from Africa (which were the sources of many great fortunes), but also those sold from the Northern States when it was found their labor did not pay, and which moneys were, very wisely, invested in banks and factories. They did not choose to state what was undoubtedly true, and what they should have felt, that it was quite as much the duty of the Northern man to put his hand in his pocket and help to pay for the freedom and deportation of those slaves as it was of the Southern man to give them up. But no Abolitionist ever suffered such a bug-a-boo of memory or of duty to cross his mind. He felt none of the guilt of blood on his own garments; he only saw its stain on those of his Southern brethren. And they, the Southern men, scorned to defend themselves against what they regarded as unjust and unfair imputations; they scorned to attempt any concealment of facts; they knew the necessity for the migration of the slaves: they realized fully the necessity their owners were under to get the best prices possible for those sold in order to the maintenance of the aged and helpless left behind—for there were no poor-houses for them to be sent to, no "over the hill to the poor-house" shadow on those humble lives—conscious of the rectitude of their motives in dealing with this difficult problem which had descended to them as a legacy without their own volition, and had been thrust upon them in great measure by the action of the very section, of whose people a portion were now denouncing them in most unmeasured terms; knowing that they had furnished their slaves kind treatment and good homes as was evidenced in the grief of the poor creatures on leaving them, knowing all the difficulties of their own position, they held themselves loftily above accounting to any mortal for their

action, and would submit to no dictation or reproof, especially from an unfriendly source. They would not change their course one *iota*, nor yield up a single right which they possessed and were legally entitled to.

Now, this was human nature, but it was *not* wisdom. An opponent so wily and determined as the early Abolition party, with so powerful an ally as England to secretly back and urge it on, should have been met with reason and caution as well as resolve; and it would have been far better to have given up the mere convenience, to buyer and seller, of Washington as a central point, than to have incurred, as was surely done in this respect, the antagonism of the rest of the civilized world in consequence of the manifestations there as connected with slavery. Which were, of course, regarded as the common practice of the South, whereas "shackles" were very rarely seen there, being used only for criminals.

Of course, with their ideas on the subject, Southern men objected to the reception of these Abolition petitions by Congress, and desired them to be laid on the table without discussion, as had been the course pursued since 1790. Mr. Adams insisted that they be received—insisted that not to receive them was to deprive the people of their constitutional right to petition Congress for redress of grievances. He declared that he was not an Abolitionist, that he would not abolish slavery in the District of Columbia if he could, but he would insist on the right of petition, and on these petitions being treated with the respect and consideration due to constitutional rights. He ignored the fact, however, that these petitions did not seek to redress any *real* grievances on the part of the petitioners (their grievancss being purely sentimental), but on the contrary sought to inflict a very practical grievance on a large proportion of citizens by depriving them of their property, to which they had a constitutional right.

Moderate men, both North and South, opposed Mr. Adams' course; and Mr. Pinckney (of South Carolina),

in order to remove the question from debate by the House, proposed to refer all such petitions, with all resolutions and amendments thereto, relating to the abolition of slavery, already offered or that may hereafter be presented, to a select Committee with instructions to report that Congress had no authority to interfere with slavery in the States, and that it ought not to do so in the District of Columbia, because it would be in violation of the public faith and dangerous to the Union; and assigning such reasons for these conclusions as would best establish harmony between the two sections of the Union.

Mr. Wise (of Virginia) opposed this resolution, insisting that it should express that Congress had no right to abolish slavery in the District of Columbia.

Mr. Pinckney's resolution, however, passed by a large majority,[1] and was sustained by the House, over the decision of the Speaker, which was adverse to its purpose of preventing discussion on each separate petition.

In the Senate the same drama was enacted, saving in degree, and the personality of the arch-agitator, Mr. Adams. The same question was raised as to the right of petition in the abstract. The Southern men opposed the reception and discussion of petitions which denounced their constituents as "man-pirates, dealers in human flesh," etc., and which proposed as their ultimate end the destruction of their property and lives. The conservative Northern men said: "Reject the prayer of these petitions; but if you refuse to receive the petitions themselves, you raise a new issue, infinitely more favorable to these mad incendiaries than any thing that has gone before—that if there were excitement at the South on the subject, there was also the same in the non-slaveholding States—and there were individuals making it their business and calling, to increase that excitement—and they entreated their Southern brethren to aid them

[1] Cong. Globe, 24th Cong., Sess. 1, p. 172.

in combating it rather than by any action of theirs adding to it.'"[1]

Among the advocates for fair dealing with the South we find prominently Franklin Pierce, of New Hampshire, elected President in 1852.

Mr. Adams became more and more conspicuous for his—crankiness—may it be called in homely parlance? He tried in every way to evade the decision of Congress in regard to the reception of Abolition petitions. He impugned General Jackson's veracity, and it was proven on examination, to be a case of forgetfulness on his own part.[2] He made himself so obnoxious generally that the House did not hesitate to vote down his motions upon all occasions.

During the next session we find him creating an intense excitement in the House by inquiring of the Speaker if it were against the rules for him to present a petition purporting to be from slaves—which, however, he declined to send up, or state the substance of, until the House should have decided that it might be received. This inquiry, as to the propriety of presenting a petition from *slaves*, raised a perfect storm of indignation among the Southern members.

Amid cries for his expulsion, a resolution calling Mr. Adams up to the bar for censure was offered, on the ground of disrespect to the House in that he had attempted "to introduce into this House a petition of slaves for the abolition of slavery in the District of Columbia."[3] It was taken for granted that this was the object of the petition. Mr. Adams, however, denied the charge, said he had not stated what the prayer of the petition was. After keeping the House at a boiling point of heat for nearly a week, the petition turned out to be a hoax perpetrated on Mr. Adams by some wag of Washington—it purporting to be from twenty-two slaves of the District and asking for Mr. Adams' expulsion from Congress.

[1] Cong. Globe, 24th Cong., Sess. 1, p. 120. [2] Idem, pp. 455–456.
[3] Idem, p. 168.

But bitter feelings had been aroused and bitter words spoken. The words could not be erased, nor the feelings wholly calmed down, and the House was so indignant at being trifled with on such a subject that only Mr. Adams' age, his high position, his past distinguished services, and his extreme and evident sensitiveness to a Censure from the House, protected him from it. A resolution was passed by an immense majority, 160 to 35, that, in regard to the inquiry made of the Speaker "by an honorable gentleman from Massachusetts," the House could not receive such a petition "without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the Constitution of the United States." And also "that slaves do not possess the right of petition secured to the people of the United States by the Constitution."[1]

It is almost impossible to measure the mischief done to the country by Mr. Adams' extraordinary persistence in this course of opposition to the South, which, as he declared he was not an Abolitionist, can be accounted for only on the ground of his intense hatred for Gen. Jackson (whose every measure he seemed to oppose at every point), and his desire to be reinstated in the office now held by Jackson; for the right of petition was in no manner of danger. and the hue and cry on the subject could have been raised for no other purpose than to get up excitement in the North against the South in the hope that it would turn the next election in favor of Mr. Adams and his party. The ability, tenacity, and bull-dog courage he showed would have been worthy of a better cause, but his bitterness, bigotry, and narrowness of spirit were certainly most unworthy of the noble cause of Liberty, of which he declared himself the defender. His love of liberty seemed to be of such a sort that he wanted a monopoly of her—he desired her blessings for himself and his partisans alone—and he appar-

[1] Cong. Globe, 24th Cong., Sess. 2, pp. 184, 185.

ently well earned the title bestowed on the Abolitionists by Mr. Preston (of South Carolina), of "hot-headed, cold-hearted fanatics."[1]

But Mr. Adams was not a fanatic. He had too much sense not to know perfectly well that there was no more danger of the Constitutional right of petition being interfered with by the Southern people than there was of the moon falling from the sky, and he only used it as a means of arousing public sentiment at the North in order to divert it into another channel and one favorable to himself. His fanaticism was entirely personal, and his own ambitions and his own hates were the objects on which it spent itself. The conviction is irresistible that to John Quincy Adams more than any other citizen of the Republic is due the credit of the intense feeling which was excited in the North against the South in 1836, and by the logic of human nature, also in the South against the North, and equally irresistible to the impartial reader is the conviction that Mr. Adams was influenced, not by love of liberty or fear of encroachment on any Constitutional right by the South, but solely by his personal hate and political ambition.

[1] Cong. Globe, 24th Cong., Sess. 1, p. 76.

CHAPTER VI.

1838—Mr. Calhoun's Resolutions—Sustained by Franklin Pierce, Senator from New Hampshire—Mr. Pierce's speech.

Texas had declared her independence in 1836, and our Government had acknowledged it, October 22, 1837. The question of her annexation was before the people. Gen. Jackson and the South were in favor of it, Mr. Adams and the North against it. Petitions and memorials poured into Congress from the North by hundreds and thousands on the subject.

On the 19th of December, 1837, Mr. Swift presented to the Senate a memorial and resolutions from the Legislature of Vermont protesting against the annexation of Texas, or the admission of any more slave States, and insisting on the abolition of slavery in the District, and in all Territories of the United States.

Mr. Calhoun, on the 27th, presented a series of resolutions, six in number, counter to the object of the memorial from Vermont, and upon these resolutions occurred the most intensely interesting and exciting of all the debates ever yet held on the subject. They mark the divergence into different paths of the three greatest intellects of their day, Calhoun, Webster, and Clay—all of them true men and sincere patriots—but each looking from a different standpoint. They also define the position of Franklin Pierce, who not only voted straight out for each one of Mr. Calhoun's propositions, except the last (which was laid on the table on motion of Mr. Preston, of South Carolina, who thought that "branch of the subject would be more appropriately discussed in connection with the resolutions introduced by him for the annexation of Texas"), but spoke most em-

phatically in favor of them. The resolutions were as follows:

"1. *Resolved*, That in the adoption of the Federal Constitution, the States adopting the same acted, severally, as free, independent, and sovereign States; and that each for itself, by its own voluntary assent, entered the Union with the view to its increased security against all dangers, *domestic* as well as foreign, and the more perfect and secure enjoyment of its advantages, natural, political, and social.

"2. *Resolved*, That in delegating a portion of their powers to be exercised by the Federal Government, the States retained, severally, the exclusive and sole right over their own domestic institutions and police, and are alone responsible for them, and that any intermeddling of any one or more States, or a combination of their citizens, with the domestic institutions and police of the others, on any ground, or under any pretext whatever, political, moral, or religious, with the view to their alteration or subversion, is an assumption of superiority not warranted by the Constitution, insulting to the States interfered with, tending to endanger their domestic peace and tranquillity, subversive of the object for which the Constitution was formed, and, by necessary consequence, tending to weaken and destroy the Union itself.

"3. *Resolved*, That this Government was instituted and adopted by the several States of this Union as a common agent, in order to carry into effect the powers which they had delegated by the Constitution for their mutual security and prosperity; and that, in fulfillment of this high and sacred trust, this Government is bound so to exercise its powers as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose this Union; and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of

another, or to weaken or destroy such institutions, instead of strengthening and upholding them, as it is in duty bound to do.

"4. *Resolved*, That domestic slavery, as it exists in the Southern and Western States of this Union, composes an important part of their domestic institutions, inherited from their ancestors, and existing at the adoption of the Constitution, by which it is recognized as constituting an essential element in the distribution of its powers among the States; and that no change of opinion or feeling on the part of the other States of the Union in relation to it can justify them or their citizens in open and systematic attacks thereon with the view of its overthrow; and that all such attacks are in manifest violation of the mutual and solemn pledge to protect and defend each other, given by the States respectively, on entering into the Constitutional compact which formed the Union, and as such is a manifest breach of faith and a violation of the most solemn obligations, moral and religious.

"5. *Resolved*, That the intermeddling of any State or States or their citizens, to abolish slavery in this District or any of the Territories on the ground, or under the pretext, that it is immoral or sinful, or the passage of any act or measure of Congress with that view, would be a direct and dangerous attack on the institutions of all the slaveholding States.

"6. *Resolved*, That the Union of these States rests on an equality of rights and advantages among its members; and that whatever destroys that equality, tends to destroy the Union itself; and that it is the solemn duty of all, and more especially of this body, which represents the States in their corporate capacity, to resist all attempts to discriminate between the States, in extending the benefits of the Government to the several portions of the Union; and that to refuse to extend to the Southern and Western States any advantage which would tend to strengthen, or render them more secure,

or increase their limits or population by the annexation of new Territory or States, on the assumption or under the pretext that the institution of slavery, as it exists among them, is immoral or sinful, or otherwise obnoxious, would be contrary to that equality of rights and advantages which the Constitution was intended to secure alike to all the members of the Union, and would, in effect, disfranchise the slave-holding States, withholding from them the advantages, while it subjected them to the burdens, of the Government."[1]

Mr. Calhoun took the ground that the only safety for the Republic lay in the preservation of the rights of the States. He would not argue "with fanatics who would violate any moral or political principle to obtain their ends." He offered these resolutions to see what could be done—the alien and sedition law was defeated by a series of brief, summary and abstract resolutions—he did not wish these resolutions to be considered as a Southern measure—he "hoped that the vote that would be given upon them would be a Northern and Western, as well as a Southern vote," and that it would tend to avert "this fatal tide of fanaticism." He declared himself "to be a firm and unflinching supporter of the Union"—that he wished the Senate to decide if there were any neutral ground upon which all the friends of the Union might rally—that the disease of Abolitionism must be fought in the non-slave-holding States where it originated—and where, by means of incendiary and slanderous publications, it was "infusing a deadly poison into the minds of the rising generation, implanting in them feelings of the most deadly hatred, instead of affection and love, for one-half of the Union."[2]

The first four resolutions passed by large majorities—Mr. Clay, Mr. Pierce and Mr. Buchanan all voting for them—Mr. Webster against. He said: "He admitted the necessity of some definite action on the subject on

[1] Cong. Globe, 25th Cong., Sess. 2, p. 55. [2] Idem, p. 75.

the part of Congress; but his objection to the adoption of the resolutions now under consideration was based solely on the belief that they were at variance with the correct interpretation of the Constitution." . . . "If the resolutions could be modified to meet the constitutional requisitions, asserting that the Constitution *permitted* slavery, and protected the institution, he would vote for them. . . . The doctrines here set forth he viewed as a sweeping declaration against the letter and spirit of the Constitution."[1]

When the fifth resolution came up for consideration, it was opposed on various grounds. Hon. Franklin Pierce spoke warmly in its support.

He stated in his speech that "The Senate had come at length to the ground on which this contest was to be determined. The District of Columbia was now emphatically the battle-field of the Abolitionist, and the resolution immediately under consideration, with, perhaps, some modifications in phraseology, would present the true issue here and to the country—an issue which would raise, not a mere question of expediency, but one of a much higher character, in which the public faith is directly involved. . . . I have no hesitation in saying that I consider slavery a social and political evil, and most sincerely wish that it had no existence upon the face of the earth; but it is perfectly immaterial how it may be regarded, either by you or myself; it is not for us to sit in judgment, and determine whether the rights secured to the different States by the Constitution are blessings or otherwise: it is sufficient for the argument that they are rights, which the inhabitants do not choose to relinquish. . . .

"Mr. President, yielding to my inclination, I would here take leave of this irritating subject, now and forever; but the manner in which it appears to be connect-

[1] Cong. Globe, 25th Cong., Sess. 2, p, 73.

ing itself with other topics, renders it proper in my judgment, to add a few remarks.

"When, it is often asked, is this agitation, in Congress, and out of it, to cease? When is it to terminate, and with what results? These are questions which, three years since, would not have cost me one moment's uneasiness. I thought the apprehensions of Southern gentlemen, to a great extent, had their origin in a morbid sensibility upon this subject. Still, mindful of their interests and peculiar relations, I appreciated their feelings, and deeply regretted the cause of irritation. And now these questions would create little interest, certainly excite no alarm, in my mind, if the agitators upon the subject were only to be found in the circle of avowed Abolitionists. With regard to the State which I have the honor, in part, to represent, I am perfectly satisfied, as well from my own observation as from the expression of the Legislature during the last winter, that public sentiment can hardly be said to be divided upon this subject. But here, sir, I feel bound to admit that there are indications in New England which can not and ought not to be overlooked. The aspect of things in this respect has undergone some change, and I fear the elements of still greater change are in active operation. I do not mean to say that the Abolitionists *proper* are gaining strength rapidly; but what I do mean to say is, that they are finding allies in the cause of agitation in the political press. Sir, if politics are to be mingled with this subject, let it be known; it can not be proclaimed too soon. I have been taught that the way to overcome difficulties and threatening dangers is to meet them on the advance, not to wait their approach; and, although I would create no unnecessary alarm, I assure the mover of these resolutions that he shall not find me standing tamely by, or attempting to lull others into false security by the cry "all 's well," when I believe there is danger—when I know there is an enemy in motion, professing and claiming to be influenced by consid-

erations and governed by motives above and beyond the Constitution and laws of my country, and that enemy likely to be sustained by an alliance with party politics. No, sir, we have no concealments upon this subject. All we demand is, that since we are to be the first to feel the effects of Abolition ascendency at home, should it ever be acquired (which, by the way, I by no means anticipate), we may meet the question unembarrassed, and not be driven by any course here upon a collateral issue, such as the right of petition, or any other. The force of this suggestion will be more fully apprehended after the remarks which I am about to make.

"It is not to be disguised that, from an insignificant beginning, and with comparatively few, even now, who hold what are generally considered abolition sentiments, this subject is assuming an aspect of fearful interest and momentous consequence.

"The Senator from Alabama, on my left (Mr. King), in my judgment, pointed, at an early day of the session, to the true cause of the alarm, if any exists. It was this: that religious fanaticism no longer moves alone in this matter; that the misguided enthusiast has joined hands with the designing politician. Sir, I refer to it with reluctance. I have no party purposes to answer. I should be unworthy of a seat here, and unworthy of the confidence that has been reposed in me by an honest, intelligent, and patriotic people, if I could indulge any thing like partisan feelings on an occasion like this. No, sir; no, sir. I believe this question *may*, and I believe it is the only question that *can*, lead to a dissolution of the Union; and I have but one object, that is, to guard against it; to preserve inviolate the public faith and the provisions of the Constitution under which we have so long lived in prosperity. The Abolitionists, it is well known, long since avowed their determination to make this the test question in elections; and I have seen, with profound regret, that in one State at least, some of the prominent individuals of both parties have submitted to

their catechisms. Let those who doubt that the politicians in Connecticut and New Hampshire are making use of Abolition for party purposes, with a view to the approaching elections, notice the tone of the political newspapers there within the last three or four weeks. It is true they do not avow Abolition doctrines, but they make up an issue not warranted by the state of facts, and that issue happens to be the same upon which the Abolitionists are waging their war. They allege that to receive and lay upon the table without reading or printing, is equivalent to the rejection of petitions. It is notorious that the question of receiving petitions upon this subject has been taken in both Houses, and decided affirmatively by overwhelming majorities; and yet there is a persevering and systematic attempt on the part of the political as well as the Abolition press to give the impression that the right of petition is denied."

Mr. Clay did not approve the fifth resolution. He also disapproved the course of the Senate in regard to petitions. He said that "the Abolitionists had increased rather than diminished, because they have been able to persuade many that the right of petition is invaded and has been denied." He thought "our conduct should not be regulated by the harsh, vituperative or fanatical language of those who oppose us, but by the standard of our own respectability, standing, and character in life."

He then offered a series of resolutions in place of Mr. Calhoun's fifth resolution—the principal features of which were that Congress had no right to interfere with slavery in the States—that they could not constitutionally abolish it in the District without compensation to the owners, and that it ought not to be done at all—but that any petitions regarding it, "couched in decorous language, which may be presented by citizens of the United States," should be received and respectfully treated by the Senate.

And finally that "it would be highly inexpedient to

abolish slavery in Florida, the only Territory in which it now exists. . . . because the people of that Territory have not asked it to be done, and, when admitted as a State into the Union, will be exclusively entitled to decide that question for themselves; and, also, because it would be in violation of a solemn compromise,[1] made at a memorable and critical period in the history of this country, by which, while slavery was prohibited north, it was admitted south of the line of 36° 30′ north latitude.'"[2]

Mr. Calhoun declared that to adopt Mr. Clay's resolution would be to abandon utterly the entire ground of those already adopted.

"The great and governing principles which pervade all these resolutions are non-interference on the part of any of the States or their citizens with the institutions of the other States, and non-discrimination on the part of this Government (the common agent of the States) in reference to the institutions of the several States—principles that lie at the foundation of our political system. . . .

"He would tell the Southern Senators if these great principles be abandoned, theirs will be the responsibility. If they yield, if even a small portion, one or two, yield in the slave-holding States, the members from the non-slave-holding States must yield. They can not do otherwise. You force them to do it. How can they stand up when you abandon your position? How can they defend themselves at home, when told that even Southern members had surrendered the ground? Let not the fallacious hope of drawing in votes, of uniting all, induce a surrender of the strong and im-

[1] Could Mr. Clay have really believed in the Act of 1820, as a "solemn compromise?" Could he have really regarded it as any thing more than an expedient, inexcusable except that it seemed unavoidable? Or did he merely use it, to help his argument and carry his point, as an *argumentum ad ignorantiam?*—AUTHOR.

[2] App. to Cong. Globe, 25th Cong., Sess. 2, p. 59.

pregnable position we occupy. There is no hope but in meeting the danger, and it is better to stand alone, without a vote beyond the slave-holding States, than to surrender an inch of ground. But such will not be the alternative. If we stand fast, all who agree with us from every quarter, all who hold to our political creed, will ultimately rally around our principles and the Constitution; but, on the contrary, if we surrender our ground, in order to bring in the timid and those of an opposite creed, we will lose all. The timid will become more timid, and those of a different political faith, in spite of all the concessions you may make, will, in the hour of trial, be found in the opposite ranks; and thus principles and supporters, all will be lost.

"Before he concluded his remarks, he would call on the Southern Senators to bear in mind that the first battle is to be fought in this District and in the Territories; and that, by carrying these points, the Abolitionists hoped to carry them in the States. To yield here, or in the Territories, is to give ground where the two lines come into conflict; to give the first victory to the foe, with all the fatal consequences which usually follow a defeat on the first encounter. With these reflections, he would ask, he would make a solemn appeal to his associates from the South; which presented the more impregnable position on these exposed points—the high and lofty ground of non-interference and non-discrimination assumed in the fifth resolution or that of inexpediency in the amendment now proposed as a substitute? And he would ask, on what motive of policy, or duty, would they surrender the stronger and occupy the weaker—give up the Constitution, and rely *on expediency?*

"He saw (said Mr. C.) in the question before us, the fate of the South. It was higher than the mere naked question of master and slave. It involved a great political institution, essential to the peace and existence of one-half of this Union. A mysterious providence had brought together two races, from different portions of the

globe, and placed them together in nearly equal numbers in the Southern portion of this Union. They were there inseparably united, beyond the possibility of separation. Experience had shown that the existing relations between them secured the peace and happiness of both. Each had improved; the inferior greatly; so much so, that it had attained a degree of civilization never before attained by the black race in any age or country. Under no other relation could they co-exist together. To destroy it was to involve a whole region in slaughter, carnage and desolation; and, come what will, we must defend and preserve it.

"This agitation has produced one happy effect at least; it has compelled us to the South to look into the nature and character of this great institution, and to correct many false impressions that even we had entertained in relation to it. Many in the South once believed that it was a moral and political evil; that folly and delusion are gone, we see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world. It is impossible with us that the conflict can take place between labor and capital, which make it so difficult to establish and maintain free institutions in all wealthy and highly civilized nations where such institutions as ours do not exist. The Southern States are an aggregate, in fact, of communities, not of individuals. Every plantation is a little community, with the master at its head, who concentrates in himself the united interests of capital and labor, of which he is the common representative. These small communities aggregated make the State in all, whose action, labor, and capital is equally represented and perfectly harmonized. Hence the harmony, the union, and stability of that section, which is rarely disturbed except through the action of this Government. The blessing of this state of things extends beyond the limits of the South. It makes that section the balance of the system, the great conservative power, which pre-

vents other portions less fortunately constituted from rushing into conflict. In this tendency to conflict in the North between labor and capital, which is constantly on the increase, the weight of the South has and ever will be found on the conservative side against the aggression of one or the other side, whichever may tend to disturb the equilibrium of our political system. This is our natural position, the salutary influence of which has thus far preserved, and will long continue to preserve, our free institutions if we should be left undisturbed. Such are the institutions which these deluded madmen are stirring heaven and earth to destroy, and which we are called on to defend by the highest and most solemn obligations that can be imposed on us as men and patriots."[1]

The question was narrowed down to the adoption of the resolution of Mr. Clay, last quoted, and which had been modified in several respects. Mr. Calhoun said:

"He was glad that the portion of the amendment which referred to the Missouri Compromise had been struck out. He was not a member of Congress when that compromise was made, but it is due to candor to state that his impressions were in its favor; but it is equally due to say that, with his present experience and knowledge of the spirit which then for the first time began to disclose itself, he had entirely changed his opinion. He now believed that it was a dangerous measure, and that it had done much to rouse into action the present spirit. Had it then been met with uncompromising opposition, such as a then distinguished and sagacious member from Virginia (Mr. Randolph), now no more, opposed to it, abolition might have been crushed forever in its birth. He then thought of Mr. Randolph, as, he doubts not, many think of him now, who have not fully looked into this subject, that he was too unyielding, too uncompromising, too impracticable,

[1] App. to Cong. Globe, 25th Cong., Sess. 2, pp. 61, 62.

but he had been taught his error, and took pleasure in acknowledging it.'"[1]

"Mr. Clay, of Kentucky, said he was very sorry that the Senator from South Carolina could not reconcile his judgment to vote for the resolution now under consideration. He thought the declaration in the resolution, that abolition was inexpedient, was not strong enough, and that higher grounds ought to be assumed. But what higher grounds? Was any man prepared to say that the naked power of abolition did not exist? Mr. C. spoke of the naked power, and not of its exercise, but the abstract question of the existence of the power. Now, though it did not exist in relation to the States, on the mere question of abstract power, Mr. C. thought the Senator from South Carolina would not declare that it would be unconstitutional for Congress to abolish slavery in the District or Territories. The power, like many others, was not to be exercised on high considerations, amounting in the District to the plighted faith of the Government, during the existence of a state of things which put a restriction on the exercise of the power; but when that state of things should no longer exist, the power might be exercised. So as to the Floridas: the power existed, but, for high considerations, was not to be exercised.

"Sir, I want to do nothing to aggravate this spirit at the North and to increase the Abolitionists. I want to prevent the residue of the North from going over to join them. There lies our danger, and there also are we to look for safety. The Senator's resolutions are all sound; but there will be nothing gained by them of safety to the cause or of permanency to the Union. These are great objections. It is well that our lan-

[1] The author had not seen this opinion of Mr. Calhoun until after writing the previous chapters, but confirmation from so high a source is pretty good proof of the correctness of the views heretofore expressed in regard to the course of the South.

guage should be firm, maintaining our rights; but let us avoid exasperating and irritating language."[1]

(In response to an earnest and impassioned protest by Mr. Pickens, Mr. Vanderpool, of New York, had said:

"I will take occasion to say as a Northern man, opposed with all my soul to the wild schemes of the Northern Abolitionists, and feeling the full weight of obligation and sacred compact, my incentives to duty have not been strengthened by speeches of Mr. Pickens and other Southern gentlemen. We have for two years heard too much of blood and disunion, too much hurling of defiance to afford us encouragement in our duty. Southern gentlemen do not appreciate our position at the North. We have and always will have fanatics and fools there as elsewhere. But we can keep them in subjection if their arms are not nerved and their ranks thickened by indiscretions of our Southern brethren.")

Mr. Calhoun "believed that most of the Senators from the non-slave-holding States had gone as far as they could, consistently, with their opinion of what was due to the feelings and temper of those they represented. He asked them not to go further. His object was to see how far they believed they might safely advance on constitutional grounds in taking a stand against agitators.

"The first four resolutions were well sustained, although they took the highest constitutional ground; but on the fifth, which involved the same principles with the preceding, he regretted to say, there had been a giving away. The constitutional ground is abandoned, and that of mere expediency substituted.

"Think of the folly of attempting to resist the powerful impulses that urge them to the work of destruction with so feeble a word! You might as well think of extinguishing a conflagration that mounted to the clouds, by throwing a bucket of water on it. Expediency, con-

[1] App. to Cong. Globe, 25th Cong., Sess. 2, pp. 70, 71.

cession, compromise! Away with such weakness and folly. Right, justice, plighted faith, and the Constitution: These, and these only, can be relied on to avert the conflict. These have been surrendered for expediency! . . .

"He would never consent to place our rights on such frail foundation. He stood on the Constitution—on the great principles of non-interference and non-discrimination, and he would never surrender them and put the question on mere expediency. He would leave those who took different views to decide on the resolution as amended as they might think proper. He would take no part in it, one way or another."[1]

Mr. Preston, of South Carolina, said that "his position was to deny the jurisdiction, to declare the subject was *coram non judice*, and not to stand here and be insulted by agitation and discussion of his undoubted rights. Therefore, he utterly disclaimed the course of dragging the South before the Senate by resolutions and abstractions."[2]

After a good deal of discussion, the resolution was modified to read:

"*Resolved,* That any attempt of Congress to abolish slavery in any Territory of the United States in which it exists would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith toward the inhabitants of any Territory who have been permitted to settle with and hold slaves therein, because the people of any such Territory have not asked for the abolition of slavery therein, and because, when any such Territory shall be admitted into the Union as a State, the people thereof will be entitled to decide that question exclusively for themselves."[3] And passed in that form by 35 to 9 as a substitute for Mr. Calhoun's fifth resolution, Mr. Cal-

[1] App. to Cong. Globe, 25th Cong., Sess. 2, pp. 71, 72.
[2] Idem, p. 72. [3] Idem, p. 74.

houn himself voting for it at the urgent insistence of his friends.

The sixth resolution, on motion of Mr. Preston, was laid on the table. Mr. Calhoun regarded this as the most important of all, having for its basis the equality of the States, but he was outvoted by 35 to 9, Mr. Pierce and Mr. Clay both voting in favor of Mr. Preston's motion.[1]

Mr. Pierce's position in respect to these resolutions is especially interesting, and specially noted by the writer, for the reason that the election in 1852, to the Presidency, of a man who held the views herein expressed by him, certainly would seem indicative of a disposition on the part of the majority of the Northern people to do that justice to the South which had been denied them in 1820, and which was only granted them in appearance and on an *equivoque* in 1850. For while the compromise of 1850 was based on non-interference by Congress with slavery in the States, yet it is very certain that although California lay in great part south of 36° 30′, and so within that region in which, according to the ground taken by Mr. Clay in 1837, slavery *was admitted* by the the Compromise of 1820—yet had she desired to admit slavery instead of forbidding it, non-interference would have been a *non-entity*. The election of Mr. Pierce in 1852, however, seemed decisive of the sincerity of intent on the part of the majority of the North to carry out that principle in good faith and to its full and legitimate extent. It was to this purpose, and in view of this apparent intent, that Mr. Dixon, in 1854, offered to repeal that act of intervention, of 1820, which was so utterly at variance, not only with the principle of non-intervention as adopted in 1850, but also with every principle of justice to the South and of equality between the States.

[1] App. to Cong. Globe, 25th Cong., Sess. 2, p. 109.

CHAPTER VII.

1840–'44—Congress adopts "21st Rule"—Petition to dissolve the Union presented by John Quincy Adams—Annexation of Texas a Jacksonian measure—Defeat of Henry Clay for the Presidency.

In the debates on Mr. Calhoun's Resolutions, the lines of divergence in opinion were clearly drawn; lines which, followed to their logical sequence, would inevitably lead, sooner or later, to war between the States.

Mr. Calhoun's voice rang out, high and clear, like a clarion call, in defense of rights that were threatened, to all appearance at no distant day; claiming the protection of the Constitution for the property of the people in their slaves, in the Territories as well as in the States, and declaring that Congress had no right under the Constitution to set the slaves free, either in the Territories or in the District of Columbia.

Mr. Webster, on the contrary, declared that slavery was only a local institution, and that the Constitution had no power to transfer it to the Territories, and therefore no power to protect slave property in them, and that slaves removed to the Territories would become free for lack of the laws to make them slaves. (Of course all territory of the United States would, by this method of reasoning, be forever closed to the slave States; and they would be hemmed in on all sides, with no outlet whatever for the increase of their slave population.)

Whilst Mr. Clay maintained that, although Congress had the undoubted right to set the slaves free in the Territories and the District, it would yet be inexpedient, a violation of good faith toward the South, and would endanger the Union of the States. He sounded the

trumpet for parley always, and endeavored by mutual concession to preserve the Union and peace.

Meantime, the Abolitionists grew apace, like mushrooms in the night. When the religious element became involved, as it soon did, all hope of permanent peace was but a dream, and a dream never to be realized. Not only was religion invoked—but envy also, that most potent factor in the destruction of Paradise itself, was brought to bear upon the Northern people. Of the South they were told that, "Few nobles in Europe can command so great a retinue of servants, and no king on earth possesses more absolute authority. Indeed, such is their dignity, wealth and influence, that although but half a million, they are able to control twelve and a half millions, and do in fact govern the Union; and the plan is now laid to keep up and increase their dignity, wealth and power to future generations."[1]

The literature of the North, too, was drawn into the general excitement, and there were now but "few newspapers or magazines, scarcely a school-book or common geography published, that did not contain something, by inuendo or insinuation, of prejudice" against the people of the South.[2]

Texas had been anxious to be annexed to the United States from the day that she conquered her independence from Mexico in 1836, and Gen. Jackson, then President, had been most strongly in favor of it, declaring that if she were not annexed, England might secure her allegiance or alliance to herself. The Northern people, however, were violently opposed to the annexation, as it would add another slave State to the Union, and by resolutions of legislatures, public meetings, and other demonstrations of opinion, endeavored to prevent it.

Thousands of memorials from the North against

[1] Anti-slavery Circular—1835. App. 24th Cong., Sess. 1, p. 567.
[2] Mr. Pickens, of South Carolina, App. 24th Cong., Sess. 1. p. 287.

slavery, opposing the annexation of Texas at all, and especially as a slave State, continued to pour into Congress at every session. In January of 1840, in self-defense, Congress adopted what was known as the 21st Rule, which was as follows: "That no petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia or any State or Territory, or of the slave-trade in the States or Territories of the United States in which it now exists, shall be received by this House or entertained in any way whatever."[1]

All attempts, however, of reasonable men to keep this fire-brand out of Congress were rendered nugatory by the persistent and determined efforts of John Quincy Adams. Able, vindictive, vituperative, exasperating to the last degree; sharp, acrid, quick, shrewd, arrogant, insulting; pertinacious, selfish, jealous, and ambitious, without even the excuse of an honest fanaticism, he seems to have been an open victim of his own pestilent hate; which, centering on Gen. Jackson and radiating thence, embraced the entire South and every thing else connected with him, and appears, to the reader of his course and speeches in Congress, to have been the pivot upon which turned the whole aim and career of this extraordinary man after his defeat by Jackson for the Presidency in 1828.

When he himself was President, Mr. Adams had taken measures to procure the annexation of Texas from Mexico; but, when Jackson was President, he insisted that it must not be annexed, though Texas had meanwhile conquered her independence from Mexico, even going so far as to declare that "Great Britain would not *suffer* the United States to annex the independent State of Texas, above all to acquire it by conquest and the re-establishment of slavery."[2]

[1] 26th Cong., Sess. 1, January 28, 1840.
[2] App. 24th Cong., Sess. 1, p. 449.

He declared he was not an Abolitionist, and that he would not set the slaves in the District free if he could, and in this he no doubt was sincere. For then the firebrand would no longer exist which he expected to fan into the flame that should light his way to the White House. But he made attempt after attempt to have the 21st Rule rescinded; failing in this, he amused himself by offering every variety of petition that could be imagined, which really violated the spirit and intent of the rule, but did not come within the letter of it, as, for instanee, a petition to have duty taken off foreign cotton; to be protected from wearing clothes made of cotton grown by slaves; to remove the Capitol to a non-slave-holding State, etc., *ad libitum*. His ready resources, his learning, his sarcasms, his gibes and savage thrusts, all made him interesting if not amiable; and Henry A. Wise, of Virginia, was always anxious that Mr. Adams be allowed to speak, that he might answer him, Mr. Wise being one of those impracticable men sufficiently hot-headed to gratify Mr. Adams by getting "exasperated to the last degree," which was exactly what Mr. Adams was aiming at. Thos. F. Marshall, of Kentucky, being a new member, was also in favor of allowing him "full swing" just for "the fun of the thing." So in consideration, partly, of his age and high position, partly, of his own persistence, and, partly, because of his intense and whimsical personality which made him always interesting even when most disagreeable, Mr. Adams was suffered to speak often and long on the forbidden subject.

He finally introduced a petition from the citizens of Haverhill, Massachusetts, for the *dissolution of the Union*. This was more than even Tom Marshall's sense of humor could accept. And in connection with Mr. Gilmer, of Virginia, he offered resolutions of censure of Mr. Adams, which he supported by one of the most eloquent pleas for the Union on record, and spoken as only Tom Mar-

shall could speak, for his personality was as strong and intense as that of any man who ever lived.

But his eloquent denunciation of this indignity offered to the House by the presentation of a petition which would involve, in the execution of its purpose, subornation of perjury and high treason, did not procure the passage of the resolutions of censure. On the contrary, Mr. Adams secured exactly what he wanted; an intense excitement, a storm of tempestuous feeling, an opportunity to speak for several days together on all the points he chose to make, with a final vote, after two weeks, simply to reject the petition, by 166 to 40. Immediately after this vote Mr. Adams rose and stated that he had two more petitions of the same tenor as the one rejected: one from New York and one from Pennsylvania, but in the present disposition of the House he would reserve them for some future occasion. He then proceeded to present all manner of Abolition petitions, some of which coming under the 21st Rule, were not received, and others having the question of reception raised on them, the question was laid on the table. "Mr. Adams in conclusion said that he had now got through with all his petitions with the exception of the two to dissolve the Union, and, as he had before observed, he would, in the present disposition of the House, preserve them for a future occasion."[1]

Lord Morpeth, in a lecture delivered in England, in 1851, gave an account of Mr. Adams as a defender "of the right of petition—the right to petition against the continuance of slavery in the District of Columbia, with a majority of the House usually deciding against him, and a portion of it lashed into noise and storm. I thought it was very near being, and to some extent it was, quite a sublime position, but it rather detracted from the grandeur of the effect, at least, that his own excitement was so great as to pitch his voice almost into

[1] 27th Cong., Sess. 2, p. 215.

a screech, and to make him more disorderly than all the rest. He put one in mind of a fine old game cock, and occasionally showed great energy and power of sarcasm. I had certainly an opportunity of forming my opinion, as I sat through a speech of his that lasted three days, but then it is fair to mention that the actual sittings hardly lasted above three hours a day; about four, dinner is ready, and they all go away for the day, differing much herein from our practice; and on this occasion they frequently allowed Mr. Adams to sit down and rest. All the time I believe he was not himself for the discontinuance of slavery even in the District of Columbia, but he contended that the Constitution had acceded the free right of petition. One morning he presented a petition for the dissolution of the Union, which raised a great tempest. Mr. Marshall, a fine and graceful speaker, moved a vote of censure upon him. Another member,[1] whom I need not name, who was the ablest and fiercest champion whom I heard on the Southern or slaveholder's side, made a most savage onslaught on Mr. Adams; then, up got that 'old man eloquent,' and no one could have reproached him with not understanding how to speak even daggers. His brave, but somewhat troublous spirit, has passed from the scenes upon which he played so conspicuous a part, but he has left behind him some words, the sparks of which are not extinct. Nothing came of all this stir; I used to meet Mr. Adams at dinner while it went on, very calm and undisturbed. After seeing and hearing what takes place in some of these meetings, one is tempted to think that the Union must break up next morning; but the flame appeared generally to smoulder almost as quickly as it ignited. The debates in the Senate, during the same period, were dignified, business-like, not very lively, so it may be judged which House had the most attraction for the passing traveler.''[2]

[1] Mr. Wise, doubtless. [2] Louisville Journal, Jan. 11, 1851.

Well might Lord Morpeth say of Mr. Adams: "He has left behind him some words the sparks of which are not extinct." The fires of hatred smoulder and blaze up and smoulder again, and years do not extinguish them. How careful, then, should every lover of his country be, not to kindle those fires of hatred in the hearts of his countrymen? Long after all the ambitions, all the hopes, all the loves of John Quincy Adams had perished, and only the memory of his greatness remained, that hatred which his own heart had conceived, his own ambition cherished, and his whole intellect nourished, survived; and it grew apace in the hearts of his people, who reverenced him and believed in him, not realizing that his claim for the right of petition was but a cloak for his ambition and a mere excuse to get up a sectional storm, whose fierce winds should bear him in triumph to the White House and thus secure to him both the Presidency, and a triumph over his hated rival, Andrew Jackson. The legacy of hate is a fearful legacy—be it personal, sectional, or national—and should be deprecated by every true patriot, as a poison to the life of the nation, the State, and the individual.

ANNEXATION OF TEXAS.

The annexation of Texas was distinctly a Democratic measure, and moreover, it was a Jacksonian Democratic measure.

Gen. Jackson was the most picturesque, as he was one of the grandest, of all the historic figures that have loomed up above the American horizon, and he still remained, in 1844, the head of the Democratic party, though retired from public life; and from the shades of the Hermitage he still dictated its policy.

When, in 1844, he again announced, as he had done whilst President, that "Texas *must* be annexed, else she might ally herself with England," that "this golden moment must not be lost, or real necessity might compel

Texas to look elsewhere for protection,"[1] the Democracy at once adopted that policy as a part of their platform; and with annexation for their war-cry and James K. Polk, a Tennessee, Andrew Jackson Democrat, their candidate, they entered upon that Presidential race, in which was defeated the great leader of the great Whig party, the idol of Kentucky, and probably the most popular man of the day, the country over, Henry Clay.

Gen. Jackson was as pronounced in his enmities as was Mr. Adams, and more outspoken. But whilst he was a good hater, his hatred extended only to individuals, and the British nation. Perfectly devoted to the Union of the States, he would never have admitted to his breast, for a moment, even, any sectional feeling whatever. His patriotism was as intense as his love for his friends was ardent; and for country or for friends he would have shed the last drop of his blood. He had hated the British nation with a most intense hatred ever since the war of the Revolution, when British soldiers had taken him prisoner and treated him with indignity, mere lad as he was. He may have always hated Mr. Adams, but he certainly did so after he had defeated him for the Presidency in 1824; and he hated Henry Clay with the most bitter and undying hate because he believed, however unjustly, to the day of his death that Henry Clay had sold him out to Adams in the matter of the Presidency. He was perfectly convinced that Mr. Clay had made a bargain with Mr. Adams by which the latter was chosen President, and his convictions were unchangeable on this subject.

In the annexation of Texas, he saw his opportunity not only to secure a great territory for his beloved country, but also to checkmate Great Britain in her purpose to acquire Texas; to triumph over Mr. Adams and to defeat Henry Clay's dearest ambition and highest hope.

[1] Letter of Andrew Jackson, March 11, 1844, Hermitage.

At one blow he could crush the three enemies of his life; and he dealt it well.

Gen. Jackson claimed that Texas, properly, belonged to the United States; and the Democrats openly accused Mr. Adams of having yielded up Texas, in exchange for the Floridas, to Spain in the treaty of 1819, because of his settled enmity to the West and South; he being Secretary of State at the time and having arranged the treaty with the Spanish government. Mr. Adams of course denied this. Mr. Clay, in a speech made, in 1819, in opposition to that exchange, had declared that our "title to the Rio Del Norte was as well founded as it was to the island of New Orleans." And had offered some resolutions in the House to the effect that "the equivalent given in the treaty for Texas was inadequate," and that no treaty "purporting to alienate" any part of our territory was "valid without the concurrence of Congress." And when he was Secretary of State, during Mr. Adams' administration, he had made strenuous efforts to regain the lost territory. But, in April of 1844, Mr. Clay wrote a letter from Raleigh, saying, "I do not think that Texas ought to be received into the Union as an integral part of it, in decided opposition to the wishes of a considerable and respectable portion of the Confederacy."[1] Of course this "respectable portion" meant the Whig party of the North who were opposed to any increase of Southern territory whatever. This declaration by Mr. Clay alienated his party in the South to a great extent from him; the three States of Louisiana, Mississippi, and Georgia, which had all gone for Harrison in 1840, now voting the Democratic ticket. Besides these, the great States of New York and Pennsylvania, and also Maine, returned to their allegiance to the Democratic party, from which the glamour of Gen. Harrison's military fame had temporarily allured them.

[1] Raleigh letter of April 17, 1844, p. 447, App. Con. Globe, 28 Cong., Sess. 1.

Foreign emigration, especially from Ireland and Germany, had now assumed vast proportions, and these emigrants invariably voted the Democratic ticket, that being regarded by them as essentially the party of the people, whilst the Whigs were rather looked upon as the party of gentlemen and conservatives. In addition to this element of opposition to Mr. Clay, was the Abolition vote, nearly 59,000 all told; most of it taken from the Whig party. 15,000 votes of Abolition Whigs were cast in New York alone for James Birney, the first Abolition Candidate for the Presidency, and a native of Danville, Kentucky.

The canvass was a most exciting one, and most enthusiastic on the part of the Whigs, especially in Kentucky, Mr. Clay's home, where he was almost worshiped. There was no end of torch-light processions, miles long, with every manner of device conceivable, to illustrate the devotion of the people to "Harry Clay." Men on horseback, ladies in their carriages with their little children, wagon loads of people from all the country round, rode in these processions, which were gotten up without money and purely from love, until far into the night; even the children singing themselves hoarse, shouting Whig songs.

Louisville was called the "Banner City," Whig banners floated to the breeze from nearly every house-top, and the city presented a most beautiful appearance as you approached it from above on the great mail steamers, which then carried all the travel of this part of the country upon the broad bosom of the Ohio. Gas had just been introduced, and on the nights of illumination every Whig house was resplendent, and the very few Democratic houses were held in the greatest contempt. Banks, stores, and hotels vied with each other in the beauty of the legends which blazoned forth, in letters of living light, the glory of their chieftain, "Harry of the West."

Not a Whig doubted but their ticket would be tri-

umphant. Defeat seemed to them an impossibility, and the Whig politicians sat up all night, night after night, counting votes. The excitement was at fever heat when every State had been heard from but Pennsylvania, and her vote would decide the election. On that night a great crowd assembled at the wharf, waiting anxiously for the mail boat, which, of course, was later than usual, because people were so anxious she should be early. A young member of the bar, weary with long waiting, concluded to go to the Galt House, which was then on the corner of Second and Main, and take a bed. About half-past three he was awakened by a tremendous shouting; the boat was coming! As she neared the wharf, there was a pin-drop silence; people hardly drew their breaths; then the silence grew ominous; he put his head out of the window, and was about to ask the news, when he heard a deep, gruff voice say, hoarsely, "*Damn Pennsylvania!*" That told the tale, and the crowd separated for their homes—the bluest, most downcast, heart-stricken, of any political party that ever suffered defeat. For weeks after, women wept over it; men walked the floor of nights and groaned over it; the very children at their Christmas parties, as they danced to the tune, "Hurrah for Harry Clay," would sing the whole song with tears rolling down their cheeks, and dancing as they sang, while old Williams[1] played it on his violin, keeping time with both feet, and singing, too, at the top of his voice, and crying along with the girls and boys.

Letters poured in upon Mr. Clay from every quarter of the country, expressing the confident belief that with his defeat the country was lost; and men felt, as well as believed, all they said. Such personal devotion has rarely been given to any political leader.

[1] Williams' band played at all the partfes in Louisville for many years. He was devoted to Mr. Clay, and exceedingly proud of his allegiance. The old darky was a splendid musician and a great favorite with the young people.—Author.

Of all his friends, both personal and political, not one was more truly devoted to Henry Clay than Archibald Dixon, of Kentucky. Not one believed more in his greatness as a man, in his political integrity, in his utter devotion to the Union of the States and the welfare of his country, in his patriotism and his wisdom. And, up to the day of his death, Mr. Dixon would notice how Mr. Clay was being quoted from, more and more, and would often express the opinion that his fame would brighten as the years went by, and would out-last that of any of his contemporaries. And this, notwithstanding that on some points of policy he had differed with him very greatly. He agreed fully with him as to the equality of the States, and that, as to them, "equality is equity." That equality which Mr. Clay had endeavored, though unsuccessfully, to preserve in 1820, and which Mr. Dixon, in 1854, determined to restore by the removal of the restriction on the property rights of the citizens of the slave-holding States in regard to the Territories of the United States. As the originator of this important measure, Mr. Dixon's characteristics and personality become a matter of interest to the reader, inasmuch as the inner motives which prompt a measure form a part of a history of the measure itself. The writer, therefore, gives a short chapter containing some facts in respect to the life, character, and career of Archibald Dixon previous to his election as Lieutenant-Governor of Kentucky, in 1844, the period of Mr. Clay's defeat for the Presidency, as above recorded.

CHAPTER VIII.

Archibald Dixon (author of The Repeal of the Missouri Compromise)—His early life and character.

"He belonged to that class of statesmen who served their country from the love of it, whose proudest birthright was their American citizenship, and who esteemed their country's honor, their own, and their own country's. When a boy he had heard from his father's lips of the struggles at Camden and Eutaw, and how his grandsire had fallen fighting for American liberty. He came from a stock who laid the foundations of our independence and gave their lives to secure it. Born while the Confederation was in its infancy, and breathing the same air that unfolded a new born and glorious flag, it is not to be wondered at that Archibald Dixon, through all his political life, should be guided by the principles of his forefathers and inherit their patriotism."[1]

Archibald Dixon was born in Caswell county, North Carolina, April 2, 1802. His grandfather was Col. Henry Dixon, a most gallant Revolutionary officer, who, at the battle of Camden, distinguished himself by holding the field the entire day against the British army with his regiment of North Carolina militia in conjunction with the Maryland troops. Speaking of this battle, Light-horse Harry Lee says, in his "Southern Memoirs:" "None without violence to the claims of honor and justice can withhold applause from Col. Dixon and his North Carolina regiment of militia. Having their flank exposed by the flight of the other militia, they turned with disdain from the ignoble ex-

[1] Editor Union Weekly Local, Uniontown, Kentucky, April 29, 1876.

ample, and fixing their eyes on the Marylanders, whose left they became, determined to vie in deeds of courage with their veteran comrades.

"Nor did they shrink from this daring resolve. In every vicissitude of the battle, this regiment maintained its ground; and, when the reserve under Smallwood, covering our left relieved its naked flank, forced the enemy to fall back.

"Col. Dixon had seen service, having commanded a continental regiment under Washington. By his precepts and example, he infused his own spirit into the breasts of his troops, who, emulating the noble ardor of their leader, demonstrated the wisdom of selecting experienced officers to command raw soldiers.

"The American war presents examples of first rate courage, occasionally exhibited by corps of militia, and often with the highest success.

"Here was a splendid instance of self possession by a single regiment out of two brigades."[1]

From a biographical sketch of Lieut.-Col. "Hal" Dixon by Judge Schenck, of North Carolina, we learn that Col. Dixon served with Gen. Washington in 1777, taking part in the battles of Brandywine, Germantown, and Monmouth, and sharing in the privations and sufferings of Valley Forge in the winter of 1777–78, "Dixon being conspicuous for bravery and skill during the whole of that sanguinary campaign."

"In 1780, we find Col. Dixon commanding a regiment at Gates' defeat, near Camden, the 15th of August. It was in this battle that he rose to the grandeur of his fame and shed immortal luster on the North Carolina troops under his command.

"When the raw militia from Virginia broke in a panic without resistance early in the battle, it exposed the left flank of the North Carolina militia to a raking fire, and they were routed in succession by the bayonet. The

[1] Lee's Southern Memoirs.

line broke until it reached Dixon's regiment. This regiment rested its right on the Maryland Regulars.

"When their comrades fled, Dixon, standing before his men in the midst of the fire from front and flank, ordered a part of his command to face to the left, and there at bay he refused to yield or fly. His men fell around him thick and fast on every side, but his tall, majestic figure was still seen moving among his comrades exhorting them to courage and firmness. His 'bugle blast was worth a thousand men.'

"All the militia on Dixon's left having been routed, his battalion alone was left to protect the flank of the regulars under the Baron DeKalb. The enemy, now disengaged, pressed Dixon sorely, and were about to overwhelm him with numbers when he ordered his little band to charge bayonets, and, leading the charge himself, he drove the enemy before him, and then in sullen obstinacy resumed his steady fire from the line. Surrounded on every side, DeKalb fell with eleven wounds, but the North Carolinians under Dixon were still fighting over his body and witnessed his expiring moments. At last every cartridge in their belts was exhausted, and, facing about, Dixon ordered a second charge of bayonets, and again cut his way through the serried hosts of the British, bringing with him the few who survived the dreadful carnage of this battle.

"Colonel Dixon's Regiment was a part of General Gregory's Brigade, and Lamb, the British historian, says: 'The Continental troops behaved well, but some of the militia were soon broken. In justice to the North Carolina militia, it should be remarked that part of the brigade commanded by General Gregory acquitted themselves well. They formed immediately to the left of the Continentals, and kept the field *while they had a cartridge to fire;* Gregory himself was twice wounded by a bayonet in bringing off his men. Several of his regiment and many of his brigade, who were made prisoners, had no wounds *except from bayonets.*'

"This is the only instance I have found in American history where militia charged the British Regulars with the bayonet and drove them back, and these militia, I am proud to say, were North Carolinians. General Sumner did the same thing with six-months recruits at Eutaw Springs in September, 1781, and the commanders of the respective armies looked on with wonder, the one with consternation, the other with exultant joy and pride.'"[1]

Colonel Dixon lost his life from a wound received at the battle of Eutaw Springs. His son, Wynn Dixon, entered the army in 1780 as an ensign, at the age of sixteen, and served during the remainder of the war. For gallant conduct at the battles of Camden, Eutaw and Guilford Court-House, he was promoted to a lieutenancy.[2] He married Rebecca, daughter to David Hart, of North Carolina, whose brother, Thomas Hart, of Lexington, Kentucky, was father to the wife of Henry Clay.

Archibald Dixon was their son, and the only son of his mother, who was Captain Wynn Dixon's second wife. In 1805, they removed to Kentucky, where they selected for their home one of the loveliest spots in all this lovely Kentucky of ours, about six miles out from the city of Henderson, or "Red Banks," as it was then called. And here, under the shadow of the primeval forest, listening to the songs of the wonderful birds pictured by Audubon, to the howl of the wolf and the scream of the wild-cat by night, skating for miles over the flats which then extended, covered with water during the winter from four to six feet deep, as far as Sebree, and were supposed to have been once the bed of the Ohio; or wading up to his waist in the water in these same flats after wild ducks; hunting the deer and wild turkeys through the grand old woods, riding races with his young companions and joining in all their games, grew

[1] North Carolina University Magazine, October, 1895.

[2] He was brevetted on the field at Guilford Court-House.—Author.

to manhood the lad who was to "achieve for himself fame and fortune, by native force, honor and pluck."[1] Tall and straight and strong, handsome as Apollo, active and graceful, Nature was his foster-mother, and from her he received a nurture that no modern art could supply.

His father's health being greatly impaired, whilst a mere boy, the care of the farm fell chiefly upon him; with the assistance of a negro man he plowed the fields and raised the corn for bread; he grew the cotton which his mother and sisters spun and wove and made into clothing for the family; he tapped the trees to make the sugar and molasses, the only kind they then had; he killed the deer and tanned the hides which his mother fashioned into outer garments for him; whilst the only shoes he ever had, when a boy, were manufactured by himself of the same material.

But though he plowed the fields, or hunted the deer through the days, yet his winter evenings were spent in reading aloud to his mother and sisters, from the best poets and authors, whilst they picked the cotton or knit the stockings. His young imagination was fired with the sublime ideas of Milton and Homer; Pope and Addison were his familiar friends; and that grandest of all poets and philosophers, Shakespeare, became as one of his household gods. In that primitive log house, by the light of a tallow candle, or blazing wood fire, he sat and read through the long evenings.

The pioneers of Kentucky were many of them very cultivated people, who perhaps had met with reverses of fortune and sought in this El Dorado of the West to retrieve themselves, but they brought their books with them into the wilds, as well as their native refinement and lofty principles. Captain Dixon had lost his fortune by going security for a friend, but his family retained in the wilderness of the Green River country the habits of

[1] Union Local.

culture and thought which had belonged to them in the old North State. It was this feature, doubtless, of pioneer life which gave to Kentucky, even in her "Political Beginnings," a power and distinction enjoyed by very few States in their infancy.

All the surroundings of young Dixon's home were poetic. On the brow of a crescent-shaped hill, the grand forest in the background; a low, lovely, grassy valley between, where still stands the orchard planted by his boyish hands. Down a winding path, shaded by thickets of wild plum and sumach, is the spring, gushing sweet and pure as in that early day when its bright waters first welcomed the newcomers to this virgin and beautiful land.

The great book of Nature lay open before the lad in all its pages. In her vast solitudes, amidst her trackless wilds, he learned that cool caution in danger, that patience of labor and energy of pursuit, that watchful judgment and quick action which, engrafted on the dauntless courage of a soul that never knew fear or deceit, and united to a vehement will and impetuous temper that brooked no opposition or control, made his after life a success under difficulties that would have overborne one less able or less daring. From her, too, he learned early to adore the beautiful. In the hush of the morning, when the light first breaks over the world, he worshiped at her altar. When the moon's soft rays threw their splendor on forest and on stream, his young heart arose in gladness and delight; and the stars in their mysterious loveliness thrilled his whole being. To the last days of his life no flower was so dear to him as the wild rose which in his boyhood had clothed field and wood, hill and vale, with the brightness of its delicate beauty; and no song so sweet as that of the native mocking-bird.

The boy's ambition was fired as well as his imagination, and he resolved to conquer for himself a place in that great world of which he had dreamed the dreams

that belong only to genius and to youth. With this resolve began for him the stormy battle of life. He had received no education in the schools, save what could be obtained at the "field-school," taught by a Mr. Anderson, a most excellent gentleman, who gave instruction, however, in only the plainest elements. But, after studying for two years in the office of Mr. James Hilyer, his uncle by marriage, and a gentleman of good legal attainments and many excellent and noble qualities, he was admitted, at the age of twenty-two, to the bar, and began the practice of the law.

A biographer says of him at this period: "Mr. Dixon made rapid progress in his studies. His whole heart was in the work. His days and nights were devoted to the prosecution of a science, which to a beginner seems made up of recondite principles and dry details. Pleasure was forgotten, amusement disregarded. He worked not for fame only, but for bread."[1]

The first time he left home to go on the circuit, he wore a suit of blue jeans spun and woven and made up by his mother, and had to borrow ten dollars to pay his expenses. But his talents, high character, and noble bearing soon won him friends, and he sprang into a lucrative and extensive practice in a marvelously short time. Nor was it confined to his own State. He was quite as popular and as much sought after in the circuit courts of Southern Indiana and Illinois.

Not only did his impassioned eloquence and masterly handling of the most difficult cases give men confidence in his ability, but he soon came to be known as a fearless friend of the helpless and friendless, and they were never afraid to go to him for his services. An eye-witness told me the following story, which I give as illustrative of the character of the man. A poor old woman, a widow, had been wronged in some way by a very mean fellow who was also a very great bully. She

[1] Livingston's Biographical Magazine, June, 1853.

said: "I will go to Archie Dixon; he will stand by me." She stated her case, and he at once agreed to defend it for her, though she could pay him no fee. The bully, hearing of it, made his threats of what he would do. Mr. Dixon had heard of the threats, and, as soon as he rose to speak, he proceeded to pay the gentleman his compliments in that style of which he was so entirely the master. If there was one thing in which Mr. Dixon excelled more than another, it was the fierce and withering denunciation of meanness. The bully grew furious at once, and dared him to come out and he would whip him as he deserved. Mr. Dixon very coolly said: "Wait, I am not through with you yet;" and went on with his speech, growing more vehement and contemptuous to the close. When he had finished speaking, he said: "Now, I am ready for you." They went outside, and, without waiting for the bully to attack him, he jumped upon him, knocked him down, and rolled him over and over down the court-house hill to the gate amid the shouts of laughter and applause of the people, who loudly jeered the defeated bully, as he slunk away without having been able to strike a single blow. He was evidently completely taken by surprise, never having dreamed that this tall, graceful, slender strippling of the bar, with his sunny hair and flashing eyes, had muscles of steel and a heart of fire.

Outside of his law practice, Mr. Dixon made various ventures in a business way, and was usually very successful. He took a flat-boat loaded with corn to New Orleans once, when a very young man, and sold it at a good profit.

Some years later, he set up a store on the corner of Main and Second streets, employing Squire James Hatchett to sell the goods which he himself went to New York and purchased at auction sales, selling them at low prices and realizing handsome profits. In eight years he cleared eighteen thousand dollars in this business. All of his means he invested in land and negroes,

and in 1854, he had become one of the wealthiest planters and largest slave-owners in Southern Kentucky. Having himself tilled the soil, he was a good judge of land, and his purchases were all judicious. His skill in managing men enabled him to secure the faithful services of the best overseers, who loved him as well as feared his disapprobation.

In 1830, he was elected to the Legislature from Henderson, and, says his biographer, "His course during the session he served was marked by his usual industry and talent." He presented a bill for the better protection of married women, which was afterwards adopted into the legislation of the State; and it was he who proposed the bill for the building of the Nashville Railroad. In 1836, he was elected to represent the counties of Henderson, Hopkins, and Daviess in the Senate. In 1841, he was again elected to the Legislature from the county of Henderson without opposition. In 1844, he was elected Lieutenant-Governor of Kentucky on the ticket with Judge Owsley, the Whig candidate for governor, whom he outran by several thousand votes. An ardent admirer and devoted political friend of Henry Clay, his canvass of Whig principles was so able, his eloquence so captivating, that he drew crowds to hear him wherever he spoke, and his popularity over the State increased daily.

In the performance of his duties as presiding officer of the State Senate for the next four years, he gave universal satisfaction. Of this his biographer says: "Ever present at his post, the promptitude of his decisions was only equaled by their inflexible justice." The four years during which he served as President of the Senate of Kentucky were replete with historical events which led to the disruption of the great Whig party, and, by the inexorable logic of sequence, to the Repeal of the Missouri Compromise.

CHAPTER IX.

1845-1849—Texas admitted to the Union—Origin of the war with Mexico—Gen. Taylor elected President in 1848—Victorious Whig Party and Administration face the momentous question of division of territory acquired from Mexico—Wilmot Proviso—Clayton Compromise—Oregon—Boundaries of Texas, New Mexico, and California—Mr. Calhoun's Southern Address.

The annexation of Texas followed immediately upon Mr. Polk's inauguration in March of 1845; and she was admitted with her slave constitution in December of 1845 to the Union of the States, the guns on the Capitol Hill thundering forth the announcement.

Her Constitution was an improvement on that of Kentucky, though very much like it: and it contained a provision that no new State should be formed out of any of her territory without her consent. This being as counter to the condition, inserted in the resolutions of Congress preceding her admission, which stipulated that States to be formed of the territory lying south of 36° 30′ should have slavery or not as the majority of inhabitants might elect, but in those formed of the territory north of that line, slavery should be prohibited forever.

This clause in her Constitution, of course, caused some opposition to her admission, as did also that one which forbade her Legislature to make any laws to emancipate any of her slaves without full consent of their owners and compensation therefor. These two provisions giving to Texas entire control of the slave question within her limits. But the bill for her admission passed, notwithstanding, by a vote of 141 to 56 in the House and 31 to 14 in the Senate, Mr. Webster voting nay.

It is not within the limits of this work to relate the

incidents or course of the war with Mexico which followed close on the heels of the annexation of Texas. But a brief resumé of its inception is in order.

Mexico had never forgiven Texas for achieving her Independence, nor the United States for acknowledging it, and had kept up hostilities against Texas, to a degree through all the years. In 1843, she had proclaimed that in the event of annexation she would declare war against the United States. President Tyler, in his next message, called attention to this threat, affirming that "Texas was an independent republic, and that we were free to enter into any treaty of alliance with her which the two republics saw fit, without regard to the threat or will of Mexico; that the latter had carried on for seven or eight years a species of warfare injurious to the United States and unjust to Texas; that it was time for that war to cease, and he had not hesitated to so inform the Government of Mexico."

In April of 1844, he sent to the Senate a treaty which he had negotiated with Texas, by which she transferred to the United States all her rights of independent sovereignty. The Senate rejected this treaty; but in anticipation of its acceptance, and in view of the threat of Mexico, the President had ordered a fleet to the Gulf of Mexico, and as large a military force as could be spared, to Fort Jessup, on the border of Texas. Whilst Mexico, in her resentment at the treaty negotiated by the President, issued her edicts, "ordering the desolation of whole tracts of country, and the destruction of all ages, sexes and conditions of existence."

The Presidential election of 1844 was carried by the strong popular feeling for annexation. In his message to Congress in December, President Tyler again declared that "it was time the war shall cease—that its continuance was calculated to exhaust both countries, and subject them to the interference of other powers, which, without the intervention of the United States, might eventuate to our serious injury." Referring to the edicts

of Mexico, "he promptly," says a distinguished writer, "laid down a principle of law, and proclaimed a doctrine as bold as the Monroe Doctrine, and worthy to be held as inviolable."[1] He said: "Over the manner of conducting war, Mexico possesses no exclusive control. She has no right to violate at pleasure the principles which an enlightened civilization has laid down for the conduct of nations at war, and thereby retrograde to a period of barbarism which, happily for the world, has long since passed away. All nations are interested in enforcing an observation of these principles, and the United States, the oldest of American republics, and the nearest of the civilized powers to the theater in which these enormities are proposed to be enacted, could not content themselves to witness such a state of things."

It is easy to see how, after Texas had become one of the United States, the first invasion of her soil by the Mexicans would inevitably lead to war with Mexico. It is also easy to understand that the victorious Democratic party, which had won its triumph through the popular sympathy for the "Lone Star" of Texas, would justly regard that war as absolutely necessary and proper; though it was denounced by the Whigs as entirely unnecessary, unjust and unholy. They had elected Mr. Tyler on the ticket with General Harrison in 1840, but seem to have had no sympathy with his views on this question, which indeed appear to have been derived from his life-long affiliation with the Democrats, rather than his newly-formed association with the Whigs. The country was at that time mainly divided into these two parties; and many of the Whigs of the Southern States, who still steadily adhered to their great leader, notwithstanding his defeat, were as pronounced in their condemnation of the war as those of the North.

But the prestige of the Whig party had been greatly

[1] Col. J. Stoddard Johnston in letter to *Courier-Journal.*

broken during the administration of President Tyler, and by Mr. Clay's subsequent defeat; and the Abolition wing of the party in the North, as a third and independent party was growing daily in strength and numbers (as well as in defiance of constitutional law), and their defection greatly weakened the main body of the Whigs. Added to this, the Germans and Irish, emigrating by thousands to the North and West, all became Democrats; the Whigs even then holding those native American principles which a little later produced that Know Nothing faction which aided so materially in wrecking utterly and forever the great Whig party of the Union. When the Democracy gained such headway in the South as they did by the annexation of Texas, they possessed elements of power both North and South that threatened the very existence of the Whigs as a political organization.

In this dilemma, despairing of the election of any civilian, since their greatest had been defeated four years before, and remembering how the battle cry of "Tippecanoe and Tyler too!" had borne their candidates in triumph to the White House in 1840, the Whigs, in 1848, resolved to utilize the glamour of military glory and so rescue their sinking fortunes. General Zachary Taylor, a Whig, a native Kentuckian, and a Southerner by residence, as commander of the American forces in Mexico, had won in brilliant and rapid succession the battles of Palo Alto, Resaca de la Palma, Monterey and Buena Vista; the last the most brilliant victory of all, where 5,000 Americans had completely routed 25,000 Mexicans, the flower of Santa Anna's army. When General Taylor sent his celebrated reply to Santa Anna's summons to surrender, "General Taylor never surrenders," he elected himself President of the United States; and the Whigs nominated him as their candidate over Henry Clay, their whilom idol, in spite of their disapproval of the war in which he had won his laurels.

In the treaty of peace, which was ratified May 30, 1848, between the United States and Mexico, the latter

had been compelled to yield as indemnity to the United States a large portion of her territory, embracing California, New Mexico, Utah, Arizona, Nevada, and the western half of Colorado.

The acquisition of this territory furnished a new subject of discord between the Northern and Southern States, and upon General Taylor's election to the Presidency, the Whig party of the Union found itself in a most perilous and critical position. The very hour of its triumph was fraught with its greatest danger. The Northern Whigs had supported Taylor on the ground that, as a National Whig, he would not veto any law Congress might pass prohibiting slavery in the territory acquired from Mexico; and many Northern Free Soil Democrats, for the same reason, had preferred him to their own candidate, General Cass, who had declared, in his celebrated Nicholson letter, that Congress had no constitutional power to legislate on the subject of slavery, and who might, therefore, be expected to use the veto power in case of any such law. The Southern Whigs had supported Taylor because as an honest, bold Southern man, and himself a large slave-holder, they felt they might expect justice from his administration in all matters relating to the much vexed question of slavery; and many Southern Democrats had preferred to trust him rather than Cass, in whose professions they had but little confidence.

So that General Taylor, after his election, stood between two fires, more difficult to him to subdue than the guns of Monterey or Buena Vista.

Meantime the Free Soilers, an offshoot of the Democratic party North, and the Abolitionists, composed mainly of Northern Whigs, were gaining strength day by day, and encroaching more and more upon the position of the large body of conservative men of the North who, loving their country more than party or power, were anxious to do justice to the South and to preserve the Union in a reality of brotherhood and kindly feeling.

And now, the Whig party and Taylor's administration had to face the momentous question of the division of the territory conquered from Mexico; which, the South justly felt, belonged to her equally with the North; whilst the North was at once disposed to claim the whole of it, and to assert that Southerners could not take their slave property with them into any part of that territory.

THE WILMOT PROVISO.

The North had, from the first, been violently opposed to the acquisition of any territory from Mexico, fearing it would be just so much more slave territory. As far back as 1846, upon the occasion of President Polk asking an appropriation from Congress to enable him to negotiate "a treaty of peace, limits and boundaries" with Mexico, Mr. David Wilmot, of Pennsylvania, had offered an amendment to the bill proposed in accordance with the President's recommendations, and known as the two-million bill.[1]

"*Provided*, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of the said territory, except for crime, whereof the party shall first be duly convicted."

And this was the celebrated Wilmot Proviso, of which so much was said during all the struggle for political supremacy between the North and South.

Of course, this would have been an entirely unconstitutional measure, as it would have been an interference by the House with the treaty-making power, which was vested solely in the President and Senate; but, owing to the opposition of the Whigs as a party to the acquisition of more territory—a party opposition, due as much to

[1] See Journal of the House of Representatives for 1845–46, p. 1283.

the Democratic advocacy of the policy of acquisition as to other causes—the Wilmot Proviso received considerable support; even some Southern Whigs voting for it, on the ground that such a provision would defeat the appropriation measure. The Democrats, however, defeated the Proviso, and when finally, in 1848, the treaty was concluded without it, it was hoped that the "Wilmot Proviso" was dead and buried; but, like Banquo's bloody ghost, it would not "down," and we find it resurrected in every shape and form, and alluded to in page after page of the records.

THE CLAYTON COMPROMISE.

After the treaty of peace with Mexico, of February 2, 1848, had been ratified, Mr. Clayton (of Delaware), a Whig Senator, proposed a bill to create territorial governments for Oregon, California and New Mexico. This bill did not interfere with the boundaries of Texas; it declared "that the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territories of California and New Mexico, so far as the same, or any provision thereof, may be applicable,"[1] and was framed distinctly on the doctrine of non-intervention as advocated and understood by Mr. Calhoun. The legislative power of these two new Territories—which, until Congress should otherwise provide, was to be vested in the "Governor, Secretary, and Judges of the Supreme Court"—was expressly prohibited from making any law "respecting an establishment of religion, or respecting the prohibition or establishment of African slavery."

Oregon was given a Legislative Assembly, and nothing was said as to either religion or slavery within her limits. This bill passed the Senate on the 27th of July, 1848, after a continuous session of thirty-one hours—Messrs. Berrien, Butler, Benton, Calhoun, Davis of Mississippi),

[1] Cong. Globe, July 26, 1848, p. 1005.

Douglas, and Foote all voting for it; Mr. Badger (of North Carolina) against it, declaring it was a complete surrender of the rights of the South. It was, however, defeated in the House, being laid on the table on motion of Alexander Stephens, who took the ground that it would not settle any thing, would only postpone the question, and not give peace to the country.

Another bill, creating a territorial government for the Territory of Oregon alone—giving to the inhabitants "all the rights and privileges" and subjecting them to "all the conditions, restrictions, and prohibitions" of the Ordinance of 1787—was passed during this session.

Judge Douglas had offered, in the Senate, as an amendment to this bill, the line of 36° 30′, "known as the Missouri Compromise," to "extend to the Pacific Ocean; and the said eighth section, together with the compromise therein effected, is hereby revived and declared to be in full force and binding for the *future organization* of the *Territories* of the United States, in the same sense and with the same understanding with which it was originally adopted."[1]

Which, of course, was the prohibition of slavery north of that line, with the recognition of it to the south of that line, and leaving it an open question to be decided by the inhabitants themselves; but of necessity it could apply only to the territory acquired from Mexico, as Oregon lay entirely north of 36° 30′.

This, too, passed in the Senate, all the Southern men voting for it, but was defeated in the House, and the original bill finally passed both Houses with the provisions of the ordinance of 1787 attached to it.[2]

The debates on this amendment were violent and very excited, Mr. Webster proclaiming that he was "opposed to slavery in every shape, and was against any compromise of the question," whilst Mr. Calhoun said

[1] Cong. Globe, August 10, 1848, p, 1063.
[2] Cong. Globe, August 12, 1848, p. 1078.

that it could never be settled until the people of the South took it "into their own hands." And Mr. Butler's "advice to his constituents would be to go into these Territories with arms in their hands, to go as armed communities and take possession of the lands which they had helped to acquire and see who would attempt to dispossess them."[1]

Mr. Polk, in his message to Congress of December, 1848, took the ground most emphatically that as "the gallant forces who had obtained these possessions as indemnity for our just demands against Mexico" belonged to no one section but to the whole country, so it would be unjust "for any one section to exclude another from all participation in the acquired territory." That, although he believed it to be an abstract rather than a practical question, yet, "involving as it does a principle of equality of rights of the separate and several States, as equal co-partners in the Confederacy, it should not be disregarded."

". . . That no duty imposed on Congress by the Constitution requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument." He refers to the Missouri Compromise, saying: "The restriction north of the line was only yielded to in the case of Missouri and Texas upon a principle of compromise, made necessary for the sake of preserving the harmony, and possibly the existence of the Union.

"It was upon these considerations that, at the close of your last session, I gave my sanction to the principle of the Missouri Compromise line by approving and signing the bill to establish the Territorial Government of Oregon. From a sincere desire to preserve the harmony of the Union, and in deference for the acts of my predecessors, I felt constrained to yield my acquiescence to

[1] Cong. Globe, August 10, 1848, p. 1060.

the extent to which they had gone in compromising this delicate and dangerous question. But if Congress shall now reverse the decision by which the Missouri Compromise was effected, and shall propose to extend the restriction over the whole territory, south as well as north of the parallel of 36° 30′, it will *cease to be a compromise*, and must be regarded as an original question."

The settlement of the boundary line between Texas and New Mexico presented the greatest difficulty in the way of organizing any government for New Mexico. The boundary of Texas, as between the United States and that Republic, had been settled by a convention entered into at Washington, April 28, 1838. It recited that:

"The treaty of limits, made and concluded on the 12th day of January, 1828, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of said United Mexican States. . . .

"The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the Sabine, in the sea, continuing north along the western bank of that river to the second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; thence following the course of the Rio Roxo westward to the degree of longitude 100 west from London and 23 from Washington; thence crossing the said Red River and running thence by a line due north to the River Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42 north; and thence by that parallel of latitude to the South Sea."

By solemn treaty, then, between the United States and the Republic of Texas, this boundary was settled.

The boundaries of Texas, as declared by her Act of Congress in 1836, were as follows:

"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico, three leagues from land, to the mouth of the Rio Grande; thence up the principal stream of said river to its source; thence due north to the forty-second degree of north latitude; thence along the boundary line, as defined in the treaty between the United States and Spain, to the beginning. And that the President be and is hereby authorized and required to open a negotiation with the Government of the United States of America as soon as, in his opinion, the public interest requires it, to ascertain and define the boundary line as agreed upon in said treaty."

It was evidently the intention of the joint resolutions of annexation to admit Texas with the boundary as claimed by herself. They declare:

"That Congress doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be created into a new State," etc. . . .

On the boundary of Texas the only limit placed was the following:

"Said State to be formed, subject to the adjustment by the Government of all questions of boundary that may arise with other Governments."

As was well said by Mr. Howard, of Texas, January 22, 1850:

'There is no one who will undertake to assert that, under this office of negotiator, the United States could so negotiate the question as to acquire the subject-matter for herself, in opposition to the claim which she had undertaken to treat for or settle in this trust capacity. Neither as agent, nor judge, of the rights of Texas, could the United States acquire any right under this authority, and set it up against the State of Texas, unless it be gravely asserted that the attorney may appropriate to himself the land, the title to which he has undertaken

to adjust for his client, or that the judge, or arbitrator, may award the subject to himself. Not only do the resolutions of annexation assure to Texas the whole of that country east of the Rio Grande, which was once in New Mexico, but they give to the State three distinct guarantees as to that portion of the country north of 36° 30′ entirely in the old State of New Mexico, and also north of Santa Fe. 1. That Texas shall have a right to form a new State out of this very territory north of 36° 30′. 2. That in any State created entirely north of that line slavery shall not be tolerated. 3. And, as a necessary consequence, if no State is formed out of that territory north of the Missouri Compromise line, then slavery exists in the whole State by virtue of her existing law at the time of annexation, as well as by virtue of its recognition in the resolutions of annexation. The two Governments did not undertake to abolish slavery in any portion of Texas by the resolutions of annexation. It was an institution existing in the extent of Texas, and must so continue to exist, unless abolished by the State itself, or unless Texas shall consent to the formation of a new State entirely north of 36° 30′.''[1]

But although Texas, under her act of Independence of 1836, under her treaty as an Independent Republic with the United States in 1838, and the terms of her annexation in 1844, could justly claim down to the Rio Grande (or Rio Bravo) from its mouth to its source, and up to the forty-second degree of latitude, yet the North seemed determined to assert the right of New Mexico to all that southern part of Texas lying between the River Nueces and the lower Rio Grande, as well as to a great portion of her northern territory east of the Rio Grande; regardless of the fact that by three separate treaties the United States had acknowledged all this territory as belonging to the Republic, and then to the State of Texas.

On January 22, 1849, Mr. Dix, of New York, pre-

[1] Cong. Globe, Vol. 21, p. 207.

sented a set of resolutions from the Legislature of his State instructing their Senators and Representatives to secure, if possible, a territorial government for New Mexico and California that would exclude domestic slavery; also, "that the territory lying between the Nueces and the Rio Grande, and that portion of New Mexico lying east of the Rio Grande, are the common property of the United States," and it must be protected from "the unfounded claims of the State of Texas," and "the extension over it of the laws of Texas, or the institution of domestic slavery." [1]

Mr. Rusk, of Texas, was indignant that New York should undertake to dispose of the question of the boundary of Texas; "a matter which is a question of sovereignty." "The claim of Texas to all the territory up to the Rio Grande," he said, "rests upon as solid foundations, upon as clear and direct principles, as does the claim of New York to her own boundary. And it is a claim, sir, which will never be surrendered. Texas may not have the power to maintain her boundary. She maintained it upon a former occasion, and she then risked her all to maintain it; and her people know that it is their right, that it belongs to them, that it has cost blood, and they will only surrender it with the surrender of their existence as a sovereign State of this Union." [2]

Judge Douglas, early in the session, proposed a bill for the admission of California as a State of the Union, with all the rights of the original States, and to include within her limits the whole of the territory acquired from Mexico, with the proviso that new States might afterward be formed of the territory lying east of the Sierra Nevada Mountains. The Committee on Judiciary reported adversely to this bill for various reasons, among others, that the population was not yet fitted for the exercise of the full rights of citizenship, and that the boundary line, between Texas and New Mexico, ought

[1] Cong. Globe, Vol. 20, p. 309. [2] Idem, p. 310.

to be settled whilst New Mexico was still a Territory and under control of the Federal Government.

The House, on December 13, 1848, had passed a resolution of instructions to the Committee on Territories, to bring in a bill providing territorial governments for New Mexico and California, respectively, and excluding slavery therefrom. So these debatable questions were now fully before both Houses of Congress, and the country as well, and the excitement was intense on all sides, the Northern non-interference Democracy saying to the Southern gentlemen: "We were opposed to any legislation on slavery last session; you insisted on legislation for protection of slavery; you defeated our candidate, Gen. Cass, on this very question; now you and Gen. Taylor may manage for yourselves; we will have nothing to do with it." Mr. Greeley, then in Congress, told them that "the public feeling of the North is much stronger on this subject than they imagine; that it was with them a matter of *conscience*. They dare not consent to the extension of slavery. . . . That an almost total revolution in the Northern opinion had been wrought within a few years past by the annexation of Texas and the resistance on this floor to the right of petition," etc. Whilst Mr. Chas. Brown, of Pennsylvania, appealed to the sense of justice of the House, and reminded them that "Texas, before it was annexed, was all slave territory, . . . did we not take from the South one-half of Texas, as we had that of Louisiana? . . . And now, after having received as a gift from a slave State,[1] the magnificent domain of the North-west, we propose to take all of California and New Mexico, and at the same time cry out against *Southern encroachments!*"

During the entire session these questions were debated with increasing earnestness and irritation.

On the 3d of March, 1849, just the day before Gen.

[1] Virginia.

Taylor was to be inaugurated, and the session consequently would be at an end, the bill for appropriations to carry on the government was brought to the Senate from the House with an amendment to the Fifty-third Amendment of the Senate, which was a provision relative to the government of California.

This amendment of the House was in two sections; the first provided that the President was authorized to take possession of New Mexico and California, and to employ the army and navy to maintain peace and order therein; the second, that the Mexican laws should remain in force until otherwise provided by Congress.

Now, these laws all forbade slavery. In a debate of ten days earlier, Mr. Calhoun and Mr. Webster had taken exactly opposite ground in regard to the government of the Territories, Mr. Webster having offered, on February 21st, an amendment in the Senate of precisely the same tenor as this amendment of the House.

Mr. Calhoun had maintained that the Constitution was the supreme law of the land and extended over every foot of territory the United States owned. Mr. Webster contended that the Constitution did not extend to the Territories; that "those great principles, which are intended as general securities for public liberty, do not exist in the Territories until introduced by the authority of Congress."

Mr. Calhoun replied by asking: "If the Constitution does not go there, how are we to have any authority or jurisdiction whatever? Is not Congress the creature of the Constitution? And shall we, the creature of the Constitution, pretend that we have any authority beyond the reach of the Constitution?"[1]

Consequently, when the question came up on the last day of the session, with opinions of leading men so diametrically opposite, there could be no agreement; and, after the most exciting and violent debate, which

[1] App. Cong. Globe, Vol. 20, p. 273.

lasted for nineteen consecutive hours (and every shade of opinion, every difference of feeling, became apparent—and they were as many and as adverse, among men of the same section even, as among the blades of fancy grass we grow in our gardens, no two of which can be found alike), Congress finally adjourned, at 7 o'clock A. M., of Sunday, March 4, 1849, without giving a government of any sort to either New Mexico or California, to the intense disgust of Stephen A. Douglas, who had endeavored throughout the session to secure some kind of organized government for these Territories, he insisting that the Mexican laws would remain in force until repealed by the conquering country; and that the people should have the right to legislate on the subject of slavery to suit themselves.

THE SOUTHERN ADDRESS.

On Monday, the 15th of January, 1849, a Southern convention had been held at the Capitol, composed of the delegates to Congress from all the slave States. An address was presented by Mr. Calhoun for their indorsement, some extracts from which are given below. They are peculiarly interesting, as the views of the man who was undoubtedly the inspiration of the secession movement of the South; whose purity of motive and patriotism were unquestionable; to whose lofty intellect was given an almost superhuman and singularly prophetic prevision of the future; but who was yet so blinded by fate, or providence, or destiny, whatever you may please to call it, that he failed to see what seemed plain to many more ordinary minds, that the surest way to render certain and speedy the abolition of slavery was to withdraw it from the protection of the Constitution, and that so would be brought upon his beloved Southland the very calamities he so deprecated.

Mr. Calhoun's address, in part, as reported by him from the Committee of Fifteen, is taken from the Louisville Journal fo February 2, 1849.

After referring at some length to the Missouri Compromise, of which he says, with singular incorrectness of information, that: "The Northern members embraced it; and, although not originating with them, adopted it as their own;"[1] he goes on to say, still alluding to the principle of the Missouri Compromise—

"So far from maintaining the doctrine which the issue implies, we hold that the Federal Government has no right to extend or restrict slavery, no more than to establish or abolish it; nor has it any right whatever to distinguish between the domestic institutions of one State or section and another, in order to favor the one and discourage the other. As the Federal representative of each and all the States, it is bound to deal out, within the sphere of its powers, equal and exact justice and favor to all. To act otherwise, to undertake to discriminate between the domestic institutions of one and another, would be to act in total subversion of the end for which it was established—to be the common protector and guardian of all. Entertaining these opinions, we ask not, as the North alleges we do, for the extension of slavery. That would make a discrimination in our favor as unjust and unconstitutional as the discrimination they ask against us in their favor. It is not for them, nor the Federal Government to determine whether our domestic institution is good or bad, or whether it should be repressed or preserved. It belongs to us, and us only, to decide such questions. What then we do insist on, is, not to extend slavery, but that we shall not be prohibitnd from emigrating, with our property, into the Territories of the United States because we are slave-holders; or, in other words, that we shall not on

[1] It has appeared to the author that the Southern members of Congress were terribly handicapped by this same bug-bear of belief that the South *proposed* this measure, when in reality she *opposed* it as long as she could without breaking up the Union; but only a few of them seem to have understood the fact, although their misapprehension on this point seems incredible.

that account be disfranchised of a privilege possessed by all others, citizens and foreigners, without discrimination as to character, profession or color. All, whether savage, barbarian, or civilized, may freely enter and remain, we only being excluded.

"Ours is a Federal Government—a government in which, not individuals, but States, as distinct sovereign communities, are the constituents. To them, as members of the Federal Union, the Territories belong; and they are hence declared to be Territories belonging to the United States. The States, then, are the joint owners. Now, it is conceded by all writers on the subject, that in all such governments their members are all equal—equal in rights and equal in dignity. They also concede that this equality constitutes the basis of such government, and that it can not be destroyed without changing their nature and character. To deprive, then, the Southern States and their citizens of their full share in territories declared to belong to them, in common with the other States, would be in derogation of the equality belonging to them as members of a Federal Union, and sink them, from being equals, into a subordinate and dependent position. Such are the solid and impregnable grounds on which we rest our demand to an equal participation in the territories.

"The great body of the North is united against our peculiar institution. Many believe it to be sinful, and the residue, with inconsiderable exceptions, believe it to be wrong. Such being the case, it would indicate a very superficial knowledge of human nature to think that, after aiming at abolition systematically for so many years, and pursuing it with such unscrupulous disregard of law and Constitution, the fanatics, who have led the way and forced the great body of the North to follow them, would, when the finishing stroke only remained to be given, voluntarily suspend it, or permit any constitutional scruples or considerations of justice to arrest it. To these may be added an aggression, though not

yet commenced, long meditated and threatened—to prohibit what the Abolitionists call the internal slave trade (meaning thereby the transfer of slaves from one State to another), from whatever motive done, or however effected. Their object would seem to be to render them worthless by crowding them together where they are, and thus hasten the work of emancipation. There is reason for believing that it will soon follow those now in progress, unless, indeed, some decisive step should be taken in the meantime to arrest the whole.

"The question then is, will the measure of aggression proposed in the House be adopted?

"They may not, and probably will not, be this session. But when we take into consideration that there is a majority now in favor of one of them, and a strong minority in favor of the other, as far as the sense of the House has been taken; that there will be in all probability a considerable increase in the next Congress of the vote in favor of them, and that it will be largely increased in the next succeeding Congress under the census to be taken next year, it amounts almost to a certainty that they will be adopted, unless some decisive measure is taken in advance to prevent it.

"But, even if these conclusions should prove erroneous; if fanaticism and the love of power should, contrary to their nature, for once respect constitutional barriers, or if the calculations of policy should retard the adoption of these measures, or even defeat them altogether; there would still be left one certain way to accomplish their object, if the determination avowed by the North to monopolize all the Territories, to the exclusion of the South, should be carried into effect. That of itself would, at no distant day, add to the North a sufficient number of States to give her three-fourths of the whole; when, under the color of an amendment of the Constitution, she would emancipate our slaves, however opposed it might be to its true intent.

"Thus, under every aspect, the result is certain, if aggression be not promptly and decidedly met. How it is to be met, it is for you to decide.

"Such, then, being the case, it would be to insult you to suppose you could hesitate. To destroy the existing relation between the free and servile races at the South would lead to consequences unparalleled in history. They can not be separated, and can not live together in peace or harmony, or to their mutual advantage, except in their present relation. Under any other, wretchedness and misery and desolation would overspread the whole South. The example of the British West Indies, as blighting as emancipation has proved to them, furnishes a very faint picture of the calamities it would bring on the South. The circumstances under which it would take place would be entirely different from those which took place with them, and calculated to lead to far more disastrous results.

"There the government of the parent country emancipated the slaves in her colonial possessions—a government rich and powerful, and actuated by views of policy (mistaken as they turned out to be) rather than fanaticism. It was, besides, disposed to act justly toward the owners, even in the act of emancipating their slaves, and to protect and foster them afterward. It accordingly appropriated nearly $100,000,000 as a compensation to them for their losses under the act, which sum, although it turned out to be far short of the amount, was thought at that time to be liberal. Since the emancipation, it has kept up a sufficient military and naval force to keep the blacks in awe, and a number of magistrates and constables and other civil officers to keep order in the towns and plantations and enforce respect to their former owners. To a considerable extent these have served as a substitute for the police formerly kept on the plantations by the owners and their overseers, and to preserve the social and political superiority of the white race. But, notwithstanding all this, the British West India pos-

sessions are ruined, impoverished, miserable, wretched, and destined probably to be abandoned to the black race. Very different would be the circumstances under which emancipation would take place with us. If it ever should be effected, it will be through the agency of the Federal Government, controlled by the dominant power of the Northern States of the Confederacy, against the resistance and strength of the Southern.

"It can, then, only be effected by the prostration of the white race; and that would necessarily engender the bitterest feelings of hostility between them and the North. But the reverse would be the case between the blacks of the South and the people of the North. Owing their emancipation to them, they would regard them as friends, guardians, and patrons, and center accordingly all their sympathy in them. The people of the North would not fail to reciprocate, and to favor them, instead of the whites. Under the influence of such feelings and impelled by fanaticism and love of power they would not stop at emancipation. Another step would be taken—to raise them to a political and social equality with their former owners, by giving them the right of voting and holding public offices under the Federal Government. We see the first step towards it in the bill already alluded to—to vest the free blacks and the slaves with the right to vote on the question of emancipation in this district. But when once raised to an equality, they would become the fast political associates of the North, acting and voting with them on all questions, and, by this political union between them, holding the white race at the South in complete subjection. The blacks and the profligate whites that might unite with them, would become the principal recipients of federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale. We would, in a word, change conditions with them—a degradation greater than has ever yet fallen to the lot of a free and enlightened

people, and one from which we could not escape, should emancipation take place (which it certainly will if not prevented), but by fleeing the home of ourselves and ancestors, and by abandoning our country to our former slaves, to become the permanent abode of disorder, anarchy, poverty, misery, and wretchedness.

"With such a prospect before us, the gravest and most solemn question that ever claimed the attention of a people is presented for your consideration. What is to be done to prevent it? It is a question belonging to you to decide. All we propose is, to give you our opinion.

"We, then, are of the opinion that the first and indispensable step, without which nothing can be done, and with which every thing may be, is to be united among yourselves, on this great and most vital question. The want of union and concert in reference to it has brought the South, the Union, and our system of government to their present perilous condition. Instead of placing it above all others, it has been made subordinate, not only to mere questions of policy, but to the preservation of party ties and insuring of party success. As high as we hold a due respect for these, we hold them subordinate to that and other questions involving our safety and happiness. Until they are so held by the South, the North will not believe that you are in earnest in opposition to their encroachments, and they will continue to follow, one after another, until the work of abolition is finished. To convince them that you are, you must prove by your acts that you hold all other questions subordinate to it. If you become united and prove yourselves in earnest, the North will be brought to a pause, and to a calculation of consequences; and they may lead to a change of measures and the adoption of a course of policy that may quietly and peacefully terminate this long conflict between the two sections. If it should not, nothing would remain for you but to stand

up immovably in defense of rights, involving your all—your property, prosperity, equality, liberty, and safety,

"As the assailed, you would stand justified by all laws, human and divine, in repelling a blow so dangerous, without looking to consequences, and to resort to all means necessary for that purpose. Your assailants, and not you, would be responsible for consequences.

"Entertaining these opinions, we earnestly entreat you to be united, and for that purpose adopt all necessary measures. Beyond this we think it would not be proper to go at present.

"We hope, if you should unite with any thing like unanimity, it may of itself apply a remedy to this deep-seated and dangerous disease; but, if such should not be the case, the time will then have come for you to decide what course to adopt."[1]

This union among the Southern States, politic as it would certainly have been, Mr. Calhoun was destined not to secure.

Gov. Morehead of Kentucky, thought the address "looked to a remedy above and beyond the Constitution." He offered some resolutions as an amendment, which declared "an unalterable devotion to the Union;" recalled the fact that slavery existed when the Constitution was made, had received a full and unqualiffed recognition at that time; and advised that the "same spirit of conciliation and compromise be now exercised by true patriots."

The resolutions were taken to the clerk's desk, Mr. Foote put an interrogatory to Mr. Morehead. "If the Wilmot Proviso should be enacted, would not the gentleman then be for disunion?"

Mr. Morehead: "No, so help me God, never. I will never raise the parricidal arm against this glorious Union for any such cause!"

[1] Louisville Journal, February 2, 1849.

Mr. Calhoun rose afterwards and said that he was for the Union, but, if that could not be preserved, he was for taking care of the South. If the gentleman from Kentucky (Mr. Morehead) should insist on a vote on his resolutions, he would offer an amendment to them, declaring "that disunion was preferable to emancipation in the States."

As the whole matter was re-committed to the general committee, no vote on the address or the resolutions was taken.

Mr. Berrien, of North Carolina, also issued an address, of much the same character as Mr.Calhoun's, but of a different tenor. He set forth the wrongs done the South with a strong and masterly hand, but protested against disunion as a remedy, and appealed to the patriotism and justice of the whole people.

A few days after this Convention, Mr. Calhoun, whose feelings had been wrought up to the highest pitch of excitement, believing that the only safety for the South lay in the united action of her people, and, having failed in securing this action, was engaged in vehement conversation on the subject, when he fell senseless and was with much difficulty restored to consciousness.

Mr. Calhoun's Southern address called forth very different responses from the different sections of the Union.

The Anti-Slavery Society of Massachusetts passed resolutions commending in the highest terms "the earnestness, intrepidity, consistency, and self-sacrifice" which "distinguished Hon. John C. Calhoun in his efforts to bring about a dissolution of the Union," whilst the New Orleans Times, on the contrary, declared the most ardent devotion of the South to the Union, and that "Mr. Calhoun is, in this, as many other cases, the maker of the crisis he so lamentably bemoans." "His prophesies are vagaries worthy only of ridicule or the severest form of reprobation." "For ourselves we have

no fears of the future, at least no such fears as those expressed in the Southern address. And as for the sentiment of the Southern people, we believe there is not a man among us who does not re-echo in the depths of his soul the immortal words, "Liberty and Union, now and forever, one and inseparable."[1]

[1] New Orleans Times, republished in Louisville Journal, February 26, 1849.

CHAPTER X.

1849—Mr. Clay's Emancipation Letter, February, 1849—Decadence of the Whig Party in Kentucky—Archibald Dixon opposes emancipation in the Constitutional Convention of the State—It is defeated in the new Constitution.

Whilst all this excitement prevailed at the Capitol and spread thence over the whole country, Kentucky was agitating the question of a Convention for the purpose of making a new Constitution. Many new and important reformations in the organic law were presented for the consideration of her people, and among these was the proposition for the gradual emancipation of the slave population. Mr. Richard Pindell, of Lexington, addressed a letter to Mr. Clay (who had been elected to the Senate by a large majority of the Legislature on February 1st), asking his views on the subject. As a matter of historical interest, his reply, hitherto unpublished in any work reparding his life, so far as the author is aware, is given in full:

[From the Lexington Observer of Saturday.]

LETTER FROM MR. CLAY.

"NEW ORLEANS, *February* 17, 1849.

"*Dear Sir:*—Prior to my departure from home in December last, in behalf of yourself and other friends, you obtained from me a promise to make a public exposition of my views and opinions upon a grave and important question which, it was then anticipated, would be much debated and considered by the people of Kentucky during this year in consequence of the approaching Convention summoned to amend their present Constitution. I was not entirely well when I left home, and, owing to that cause and my confinement several weeks during my sojourn in this city from the effects of an accident which

befell me, I have been delayed in the fulfillment of my promise, which I now proceed to execute.

"The question to which I allude is, whether African slavery, as it now exists in Kentucky, shall be left to a perpetual or indefinite continuance, or some provision shall be made in the new Constitution for its gradual and ultimate extinction?

"A few general observations will suffice my present purpose without entering on the whole subject of slavery under all its bearings and in every aspect of it. I am aware that there are respectable persons who believe that slavery is a blessing, that the institution ought to exist in every well-organized society, and that it is even favorable to the preservation of liberty. Happily, the number who entertain these extravagant opinions is not very great, and the time will be uselessly occupied in an elaborate refutation of them. I would, however, remark that, if slavery be fraught with these alleged benefits, the principle on which it is maintained would require that one portion of the white race should be reduced to bondage to serve another portion of the same race when the black subjects of slavery could not be obtained, and that in Africa, where they may entertain as great preference for their color as we do for ours, they would be justified in reducing the white race to slavery in order to secure the blessings which that state is said to diffuse.

"An argument in support of reducing the African race to slavery is sometimes derived from their alleged intellectual inferiority to the white races, but, if this argument be founded in fact (as it may be, but which I shall not now examine), it would prove entirely too much. It would prove that any white nation which had greater advances in civilization, knowledge, and wisdom than another white nation would have a right to reduce the latter to a state of bondage. Nay, further, if the principle of subjugation, founded upon intellectual superiority, be true, and be applicable to races and to nations, what is to prevent it being applied to individuals?

And then the wisest man in the world would have a right to make slaves of all the rest of mankind!

"If, indeed, we possess this intellectual superiority, profoundly grateful and thankful to Him who has bestowed it, we ought to fulfill all the obligations and duties which it imposes, and these would require us not to subjugate or deal unjustly by our fellow-men who are less blessed than we are, but to instruct, to improve, and to enlighten them.

"A vast majority of the people of the United States, in every section of them, I believe, regret the introduction of slavery into the Colonies under the authority of our British ancestors, lament that a single slave treads our soil, deplore the necessity of the continuance of slavery in any of the States, regard the institution as a great evil to both races, and would rejoice in the adoption of any safe, just, and practicable plan for the removal of all slaves from among us. Hitherto, no such satisfactory plan has been presented. When, on the occasion of the formation of our present Constitution of Kentucky, in 1799, the question of the gradual emancipation of slavery in that State was agitated, its friends had to encounter a great obstacle in the fact that there then existed no established colony to which they could be transported. Now, by the successful establishment of flourishing colonies on the western coast of Africa, that difficulty has been obviated. And I confess that, without indulging in any undue feelings of superstition, it does seem to me that it may have been among the dispensations of Providence to permit the wrongs under which Africa has suffered to be inflicted, that her children might be returned to their original home, civilized, imbued with the benign spirit of Christianity, and prepared ultimately to redeem that great continent from barbarism and idolatry.

"Without undertaking to judge for any other State, it was my opinion, in 1799, that Kentucky was in a condition to admit of the gradual emancipation of her

slaves; and how deeply do I lament that a system, with that object, has not been established. If it had been, the State would now be nearly rid of all slaves. My opinion has never changed, and I have frequently publicly expressed it. I should be most happy if what was impracticable at that epoch could be now accomplished.

"After full and deliberate consideration of the subject, it appears to me that three principles should regulate the establishment of a system of gradual emancipation. The first is that it should be slow in its operation, cautious, and gradual, so as to occasion no convulsion, nor any rash or sudden disturbance, in the existing habits of society; second, that, as an indispensable condition, the emancipated slaves should be removed from the State to some colony; and, thirdly, that the expenses of their transportation to such colony, including an outfit for six months after their arrival at it, should be defrayed by a fund to be raised from the labor of each freed slave.

"Nothing could be more unwise than the immediate liberation of all slaves in the State, comprehending both sexes and all ages, from that of tender infancy to extreme old age. It would lead to the most frightful disorders and the most fearful and fatal consequences. Any great change in the condition of society should be marked by extreme care and circumspection. The introduction of slaves into the Colonies was an operation of many years' duration; and the work of their removal from the United States can only be effected under the lapse of a great length of time.

"I think that a period should be fixed, when all born after it should be free at a specified age, all born before it remaining slaves for life. That period, I would suggest, should be 1855, or even 1860, for on this and other arrangements of the system, if adopted, I incline to a liberal margin, so as to obviate as many objections, and unite as many opinions as possible.

"Whether the commencement of the operation of the system be a little earlier or later, is not so important as that a day should be permanently *fixed*, from which we could look forward, with confidence, to the final termination of slavery within the limits of the Commonwealth.

"Whatever may be the day fixed, whether 1855 or 1860, or any other day, all born after it, I suggest, should be free at the age of twenty-five and be liable afterwards to be hired out, under the authority of the State, for a term not exceeding three years, in order to raise a sum sufficient to pay the expense of their transportation to the Colony and to provide them an outfit for six months after their arrival there.

"If the descendants of those, who were themselves to be free, at the age of twenty-five, were also to be considered as slaves until they attained the same age, and this rule were continued indefinitely as to time, it is manifest that slavery would be perpetuated instead of being terminated. To guard against this consequence, provision might be made that the off-spring of those who were to be free at twenty-five, should be free from their birth, but upon the condition that they should be apprenticed until they were twenty-one, and be also afterwards liable to be hired out, a period not exceeding three years, for the purpose of raising funds to meet the expenses of the Colony and their subsistence for the first six months.

"The Pennsylvania system of emancipation fixed the period of twenty-eight for the liberation of the slaves and provided, for so her courts have since interpreted the system to mean, that the issue of all who were free at the limited age were from their birth free. The Pennsylvania system made no provision for colonization.

"Until the commencement of the system, which I am endeavoring to sketch, I think all the legal rights of the proprietors of the slaves, in their fullest extent, ought

to remain unimpaired and unrestricted. Consequently they would have the right to sell, devise, or remove them from the State, and, in the latter case, without their offspring being entitled to the benefit of emancipation, for which the system provided.

"2. The colonization of the free blacks, as they successively arrive, from year to year, at the age entitling them to freedom, I consider a condition absolutely indispensable. Without it, I should be utterly opposed to any scheme of emancipation. One hundred and ninety odd thousand blacks, composing about one-fourth of the entire population of the State, with their descendants, would never live in peace, harmony and equality with the residue of the population. The color, passions and prejudices would forever prevent the two races from living together in a state of cordial union. Social, moral and political degradation would be the inevitable lot of the colored race. Even in the free States (I use the terms free and slave States not in any sense derogatory to one class, or implying any superiority in the the other, but for the sake of brevity) that is their present condition. In some of those free States, the penal legislation against the people of color is quite as severe, if not harsher, than it is in some of the slave States. As nowhere in the United States are amalgamation and equality between the races possible, it is better that there should be a separation, and that the African descendants should be returned to the native land of their fathers.

"It will have been seen that the plan I have suggested proposes the annual transportation of all born after a specified day, upon their arrival at the prescribed age, to the colony which may be selected for their destination; and that this process of transportation is to be continued until the separation of the two races is completed. If the emancipated slaves were to remain in Kentucky until they attained the age of twenty-eight, it would be about thirty-four years before the first annual transpor-

tation began, if the system commences in 1855, and about thirty-nine years, if its operation begin in 1860.

"What the number to be annually transported would be, can not be precisely ascertained. I observe it stated by the auditor that the increase of slaves in Kentucky last year was between three and four thousand. But, as that statement was made upon a comparison of the aggregate number of all the slaves in the State, without regard to births, it does not, I presume, exhibit truly the *natural* increase, which was probably larger. The aggregate was effected by the introduction and still more by the exportation of slaves. I suppose that there would be less, possibly more, than five thousand to be transported the first year of the operation of the system; but after it was in progress some years, there would be a constant diminution of the number.

"Would it be practicable annually to transport five thousand persons from Kentucky? There can not be a doubt of it, even a much larger number. We receive from Europe, annually, emigrants to an amount exceeding two hundred and fifty thousand, at a cost for the passage of about ten dollars per head, and they embark at European ports, more distant from the United States than the western coast of Africa. It is true that the commercial marine, employed between Europe and the United States, affords facilities in transportation of emigrants at that low rate, which that engaged in the commerce between Liberia and this country does not now supply; but that commerce is increasing, and by the time the proposed system, if adopted, would go into operation, it will have greatly augmented. If there were a certainty of the annual transportation of not less than five thousand persons to Africa, it would create a demand for transports, and the spirit of competition would, I have no doubt, greatly diminish the present cost of the passage. That cost has been stated upon good authority to be at present fifty dollars per head, including the passage, and six months outfit after the

arrival of the emigrant in Africa. Whatever may be the cost, and whatever the number to be transported, the funds to be raised by the hire of the liberated slaves, for a period not exceeding three years, will be amply sufficient. The annual hire, on the average, may be estimated at fifty dollars, or one hundred and fifty for the whole term.

"Colonization will be attended with the painful effect of the separation of the colonists from their parents, and in some instances from their children; but from the latter it will be only temporary, as they will follow and be again reunited. Their separation from their parents will not be until they have attained a mature age, nor greater than voluntarily takes place with emigrants from Europe, who leave their parents behind. It will be far less distressing than what frequently occurs in a state of slavery, and will be attended with the animating encouragement that the colonists are transferred from a land of bondage and degradation for them, to a land of liberty and equality. And,

"3. The expense of transporting the liberated slave to the colony, and of maintaining him there for six months, I think, ought to be provided for by a fund derived from his labor, in the manner already indicated. He is the party most benefited by emancipation. It would not be right to subject the non-slave-holder to any part of that expense; and the slave-holder will have made sufficient sacrifices, without being exclusively burdened with taxes to raise that fund. The emancipated slave could be hired out for the time proposed, by the sheriff or other public agent, in each county, who should be subject to a strict accountability. And it would be requisite that there should be kept a register of all births of children of color, after the day fixed for the commencement of the system, enforced by appropriate sanctions. It would be a very desirable regulation of law to have the births, deaths, and marrages of the whole

population of the state registered and preserved, as is done in most well governed States.

"Among other considerations which unite in recommending to the State of Kentucky a system for the gradual abolition of slavery, is that arising out of her exposed condition, affording great facilities to the escape of her slaves into the free States and into Canada. She does not enjoy the security which some of the slave States have, by being covered in depth by two or three slave States, intervening between them and the free States. She has a greater length of border on free States than any other slave State in the Union. That border is the Ohio River, extending from the mouth of the Big Sandy to the mouth of the Ohio, a distance of nearly six hundred miles, separating her from the already powerful and growing States of Ohio, Indiana, and Illinois. Vast numbers of slaves have fled from most of the counties in Kentucky from the mouth of the Big Sandy to the mouth of the Miami, and the evil has increased and is increasing. Attempts to recover the fugitives lead to most painful and irritating collisions. Hitherto countenance and assistance to the fugitives have been chiefly afforded by persons in the State of Ohio; but it is to be apprehended, from the progressive opposition to slavery that, in process of time, similar facilities to the escape of slaves will be found in the States of Indiana and Illinois. By means of railroads, Canada can be reached from Cincinnati in a little more than twenty-four hours. In the event of a civil war breaking out, or in the more direful event of a dissolution of the Union, in consequence of the existence of slavery, Kentucky would become the theater and bear the brunt of the war. She would doubtless defend herself with her known valor and gallantry; but the superiority of the numbers by which she would be opposed would lay waste and devastate her fair fields. Her sister slave States would fly to her succor; but, even if they should be successful in the unequal conflict, she

never would obtain any indemnity for the inevitable ravages of the war.

"It may be urged that we ought not, by the gradual abolition of slavery, to separate ourselves from the other slave States, but continue to share with them in all their future fortunes. The power of each slave State, within its limits, over the institution of slavery, is absolute, supreme, and exclusive—exclusive of that of Congress or that of any other State. The government of each slave State is bound, by the highest and most solemn obligations, to dispose of the question of slavery so as to best promote the peace, happiness, and prosperity of the people of the State. Kentucky being essentially a farming State, slave labor is less profitable. If, in most of the other slave States, they find that labor more profitable in the culture of the staples, cotton and sugar, they may perceive a reason in that feeling for continuing slavery, which it can not be expected should control the judgment of Kentucky as to what may be fitting and proper for her interests. If she abolish slavery, it would be her duty, and I trust that she would be as ready as she is now, to defend the slave States in the enjoyment of all their lawful and constitutional rights. Her power, political and physical, would be greatly increased, for the one hundred and ninety-nine thousand slaves and their descendants would be gradually superseded by an equal number of white inhabitants, who would be estimated per capita and not by the federal rule of three-fifths prescribed for the colored race in the Constitution of the United States.

"I have thus, without reserve, freely expressed my opinion and presented my views. The interesting subject of which I have treated would have admitted of much enlargement, but I have desired to consult brevity. The plan which I have proposed will hardly be accused of being too early in its commencement or too rapid in its operation. It will be more likely to meet with con-

trary reproaches. If adopted, it is to begin thirty-four or thirty-nine years from the time of its adoption, as the one period or the other shall be selected for its commencement. How long a time it will take to remove all the colored race from the State, by the annual transportation of each year's natural increase, can not be exactly ascertained. After the system has been in operation some years, I think it probable, from the manifest blessings that would flow from it, from the diminished value of slave labor, and from the humanity and benevolence of private individuals prompting a liberation of their slaves and their transportation, that a general disposition would exist to accelerate and complete the work of colonization.

"That the system will be attended by some sacrifices on the part of the slave-holder, which are to be regretted, need not be denied. What great and beneficial enterprise was ever accomplished without risk and sacrifice? But these sacrifices are distant, contingent, and inconsiderable. Assuming the year 1860 for the commencement of the system, all slaves born prior to that time would remain such during their lives, and the personal loss of the slave-holder would be only the difference in value of a female slave whose offspring, if she had any born after the first day of January, 1860, should be free at the age of twenty-five or should be slaves for life. In the meantime, if the right to remove or sell the slave out of the State should be exercised, that trifling loss would not be incurred. The slave-holder, after the commencement of the system, would lose the difference in value between slaves for life and slaves until the age of twenty-five. He might also incur some considerable expense in rearing, from their birth, the issue of those who were to be free at twenty-five, until they were old enough to be apprenticed out; but, as it is probable that they would be most generally bound to him, he would receive some indemnity for their services until they attained their majority.

"Most of the evils, losses, and misfortunes of human life have some compensation or alleviation. The slaveholder is generally a land-owner, and I am persuaded that he would find, in the augmented value of his land, some, if not full, indemnity for losses arising to him from emancipation and colonization. He would also liberally share in the general benefits accruing to the whole State from the extinction of slavery. These have been so often and so fully stated that I will not, nor is it necessary to, dwell upon them extensively. They may be summed up in a few words. We shall remove from among us the contaminating influence of a servile and degraded race of different color; we shall enjoy the proud and conscious satisfaction of placing that race where they can enjoy the great blessings of liberty and civil and political and social equality; we shall acquire the advantage of the diligence, the fidelity, and the constancy of free labor, instead of the carelessness, the infidelity, and the unsteadiness of slave labor; we shall elevate the character of white labor and elevate the social condition of the white laborer; augment the value of our lands, improve the agriculture of the State; attract capital from abroad to all the pursuits of commerce, manufacture, and agriculture; redress, as far and as fast as we safely and prudently could, any wrongs which the descendants of Africa have suffered at our hands, and we shall demonstrate the sincerity with which we pay indiscriminate homage to the great cause of liberty of the human race.

"Kentucky enjoys high respect and honorable consideration throughout the Union and throughout the civilized world; but, in my humble opinion, no title which she has to the esteem and admiration of mankind, no deeds of her former glory, would equal in greatness and grandeur that of being the pioneer State in removing from her soil every trace of human slavery and in establishing the descendants of Africa, within her jurisdictton, in the native land of their forefathers.

"I have thus executed the promise I made, alluded to in the commencement of this letter, and I hope that I have done it calmly, free from intemperance, and so as to wound the sensibilities of none. I sincerely hope that the question may be considered and decided without the influence of party or passion. I should be most happy to have the good fortune of coinciding in opinion with a majority of the people of Kentucky; but, if there be a majority opposed to all schemes of gradual emancipation, however much I may regret it, my duty will be to bow in submission to their will. If it be perfectly certain and manifest that such a majority exists, I should think it better not to agitate the question at all, since, in that case, it would be useless and might exercise a pernicious collateral influence upon the fair consideration of other amendments which may be proposed to our Constitution. If there is a majority of the people of Kentucky, at this time, adverse to touching the subject of slavery as it now exists, we, who had thought and wished otherwise, can only indulge the hope that, at some future time, under better auspices and with the blessings of Providence, the cause which we have so much at heart may be attended with better success.

"In any event, I shall have the satisfaction of having performed a duty to the State, to the subject, and to myself, by placing my sentiments permanently upon record.

"With great regard, I am your friend, and obedient servant, H. Clay.

"Richard Pindell, Esq."[1]

With the publication of this letter began the decadence of the victorious Whig party, in Kentucky, hitherto its stronghold. It gave life at once to the embryo emancipation party, and emancipation candidates for the Convention sprang up in many of the counties of

[1] Louisville Journal, March 5, 1849.

the State. Though only three of them were elected, yet not only did these candidates take from the strength of the Whig party, from whose ranks the emancipationists mainly gathered their forces, but many pro-slavery Whigs in this election voted for the Democratic candidates as being more absolutely opposed to emancipation than the Whigs could be, since their great leader openly recommended it as the best policy for the State to pursue. Mr. Clay, however, like Mr. Calhoun, anticipated the most fearful and fatal consequences from the immediate liberation of the slaves; and insisted not only that emancipation should be gradual, but that the removal of the negro race "to some colony" should be a *sine qua non* of their freedom. But it was not easy to satisfy the majority of Kentucky agriculturists that, in emancipating their slaves, they would "find compensation in the enhanced value of their lands," and their "reward in the proud consciousness of duty performed, in placing that race where they can enjoy the great blessings of liberty, and civil, political, and social equality." It was a Utopian view, as the negroes were not willing to go back "to the land of their forefathers," of which they knew nothing; and no Kentuckian was ever yet found who was willing to part with his property for such imaginary and æsthetic considerations as those suggested by Mr. Clay.

Nor had Kentucky any reason to desire emancipation. As a State she was eminently prosperous. Her people were happy and contented. Her banks paid large dividends and enjoyed the best credit. Her bonds stood at the head of the list. Her farmers lived like princes in the abundance and plenty about them. She had no paupers.[1]

[1] "Sir, there was one Miss Dix, an Englishwoman, who, some three or four years before, came into the State of Kentucky to inquire into the statistics of poverty and jails; and I recollect an anecdote that occurred, which may serve to illustrate the point under discussion. She went to the town of Danville, and, among other inquiries of the landlord of the

Though her common schools were not so well established as they might have been, yet there were good private schools, and her colleges ranked high. Her voters were the best informed on political subjects of any in the Union. The stump and the newspaper were their educators. All could hear the speaker from the stump, and all could read the newspaper or hear it read. If slave labor was not profitable, her people felt they had capacity to find it out for themselves.

Happy in their homes, prosperous in all their ways, assured in their position, simple in their habits, her people (as did the South generally) lived an independent, frugal life. As in Acadia—"There the richest was poor, and the poorest lived in abundance."[1] They were too proud to be jealous of their neighbor States, and too generous for suspicion. If sometimes haughty, they were also magnanimous—if imperious, yet open and frank —disdaining all dissimulation and all petty meanness. If quick to resent, yet ready to forgive—cherishing no secret revenges. Holding their honor and the honor of their families as dearer than life, they were ready to de-

hotel, she asked where was the poor-house of the county? He replied that there was none. She asked if there were no poor in the county. The landlord replied that there were a great many very poor persons. She inquired what was their condition, and was informed by the landlord that the poorest of them lived upon seventy or eighty acres of land, not worth more than from three to four dollars an acre; that they raised their two or three hundred bushels of potatoes; that they kept their horses and their cows, and if they did live in a log house, they generally contrived to keep the cold out and have enough to eat and wear. Said she, 'are those your poor?' 'Yes,' replied the landlord, 'and as for a poor-house, we havn't such a thing in the county.' That degree of poverty, sir, is the greatest we ever see in Kentucky. You will find that the 'poor man' has his horse to ride to court on; you will find that his corn crib is filled with corn; and you will find that we are not reduced to that miserable system which prevails in the Northern States, of calculating on how little the miserable people can live. Let the gentleman then examine closely that part of machinery of the State of Massachusetts, before he makes this invidious distinction between it and his native State."—Wm. Preston, Debates Kentucky Convention.

[1] Evangeline.

fend it with the last drop of their blood. Such were the people whom Mr. Clay now called upon to set free their slaves, and in so doing turn the whole tide of Northern Abolitionism loose upon their sister States of the South. From a people so independent, so prosperous, so well informed as to their own rights, so sensitive to honor and so loyal to its claims, with their slaves so well contented, and in the best condition of any laboring class in the world, but one answer could be expected.

In truth, mild as were the terms of Mr. Clay's letter, sincere as it certainly was, it so enraged and disgusted a large portion of the people of Kentucky, as to estrange them, for the time being, almost entirely from him; and many of his warmest friends of 1844 were now ready to vote with the Democrats, or to oppose any Whig who lent any support or countenance in him; nor did his subsequent action, as President of the Emancipation Convention, held April 28th, in Frankfort—by which slavery was declared "adverse to a pure state of morals," and emancipation was recommended for the New Constitution, and no recommendation made on any other subject—tend to allay the intensity of the feeling against him. So far indeed was this feeling carried, that when, in the month of October following, he went over to Frankfort to the Convention, this man, who for years had been received every-where in the most enthusiastic manner, upon whom Eulogy had exhausted herself, in whose honor bonfires were burned and cannon fired, who had traveled free all over the Union and was never allowed to pay a bill at any hotel or on any steamboat; this man whose progress for years had been an ovation wherever he went, and who had been the idol of his own State, was received in her Capitol with such marked coldness that it cut him to the very quick. Upon his leaving Frankfort, but one friend accompanied him to the boat. And to him he said, as he wrung his hand in parting, with tears in his eyes, "Dixon, I believe you are the only friend I have left."

It is not, however, to be wondered at, that Kentuckians should have felt so deeply on this subject, when it is considered what emancipation meant to them. It meant to them the upheaval of society; the turning loose of the ignorant, the bestial, the depraved; all of the worst elements without restraint. It meant to them farms without laborers, lands gone to waste, themselves beggared, their wives and children crying for bread and none to give them. Yea, it meant worse still; it meant murder, arson, and every crime and horror attendant upon their track. For they did not for a moment believe that emancipation could ever be effected, even as Mr. Clay proposed, without the greatest detriment to society and property. They believed such a course would render the negro population so utterly worthless as laborers and so difficult to control as to make them an incubus not to be endured. Also, outside of their own interests, they felt that it would be a betrayal of the other slave States, a thing most abhorrent to all their ideas of honor and justice. It is not surprising then that Kentuckians should have turned their backs (though only temporarily) on their allegiance to Mr. Clay.

The position of Kentucky was unique in more respects than one, and demanded strong and decided action. With her fine climate and fertile soil, the negroes within her borders multiplied with the greatest rapidity. In some of the Southern States where slavery was available only in the culture of cotton and sugar, their overproduction had cheapened them until it hardly paid to raise them; and those States were threatening to prohibit the further immigration of slaves into their borders. When gradual emancipation in Kentucky was proposed by Mr. Clay, and the suggestion made that "the legal rights of the proprietors of slaves should remain unimpaired," and they would consequently have the right to sell, devise, or remove them from the State, it at once sounded the alarm to these States, and the suspicion was openly expressed that "the hostility of the

more Northern slave States to slavery was only suspended from fear of pecuniary loss, and the hope of finally shifting their slave population for value received, upon the South-western States.[1] This last alternative will doubtless be accelerated by the enactment of prospective emancipation laws, which mean simply that their citizens may have time enough to sell their slaves, and having pocketed the price, to unite against us in the unjust and bitter crusades of our Northern brethren.

"If they be sincere in their ideas of Abolition, if they are actuated by sickly sympathy for the condition of the slave, then at least we force them to turn their slaves loose upon their respective domains, and thus keep their own nuisances and submit to their own loss. But this latter alternative need never be apprehended. They *dare* not turn them loose." [2]

The apprehension of the passage of such prohibitory acts by the more Southern States rendered it yet more imperative on Kentucky not to take any step which should hasten such action on the part of the South, thereby depriving herself of the only means and place of exodus for the immense increase of the slave population yearly accruing from the prosperous condition of the slaves in the Northern slave States. This question was discussed in every shape—in so many years such an increase confined to such an area, no outlet—the black race largely outnumbering the white—a second San Domingo, etc.

Not only did Kentucky have reason to apprehend the closing up of the outlet south for her slaves, but also if she freed them there was no outlet on her northern border for them, as all her neighbor States over the river had either enacted laws, or else entertained sentiments, forbidding free negroes to immigrate to them. Many

[1] As had been done in the case of the Eastern and Northern States years before.—Author.

[2] Mr. Heydenfelt's letter to Governor Chapman, of Alabama, copied from *Louisville Journal*, February, 1849.

other Northern States had laws of the same kind, and though not hesitating to harbor runaway slaves, would not permit freed negroes to come within their limits, so worthless were they regarded as a population.

Kentucky, thus hemmed in on all sides, had to look to her own safety; and she did so, as she thought, through her Convention, by making it an impossibility under the new Constitution for her slaves to be set free by any State authority or legal enactment whatever.

We have said the position of Kentucky was unique in more than one respect. It was so, not only in regard to her domestic policy, but in reference also to her position politically. A slave State, she was looked to by the Northern Whigs to preserve Whiggery. A Whig State, she was looked to by the Southern Whigs to preserve slavery. And slavery and Whiggery were both on the fair road to—nowhere!

In 1848, Archibald Dixon, who had adhered steadily to Mr. Clay in the contest between him and Taylor for the Presidential nomination, was chosen elector for the State at large, and was also the choice of the great majority of the Whig Convention for the office of Governor. But the unyielding opposition of a faction of the Whigs which had never forgiven him for the brilliant race he had made in 1844, nor for the superior majority he had then won over the governor elect, convinced him that his nomination would cause a split in the ranks of his party. Being satisfied that any disagreement in the Whig party of Kentucky would materially impair its efficiency in the approaching Presidential, as well as Gubernatorial, contest, he did not hesitate to sacrifice his personal ambition to the good of the Whig cause, and agreed to withdraw from the contest, providing his opponent, W. J. Graves, would do the same. John C. Crittenden was then nominated by the Convention, and was elected over Gov. Powell, as was Taylor over Cass, by a handsome majority.

In 1849, Mr. Dixon was unanimously chosen as dele-

gate to the Constitutional Convention, from Henderson county. It assembled at Frankfort, on Monday, October 1st. The first direct evidence of the weakening of the Whig party in Kentucky, as the result of Mr. Clay's emancipation letter of February 17, 1849, was now given in the election to the Presidency of the Convention, of Jas. Guthrie, Democrat, over Archibald Dixon, Whig, by a strict party vote, with seven majority. Every Whig voted for Mr. Dixon, except Squire Turner, of Richmond; and every Democrat for Guthrie, except Judge James. So many pro-slavery Whigs had voted for Democratic candidates for the Convention, that they had been given the soubriquet of "Guthrie Whigs." Only three emancipationists were elected to the Convention; two of them were Democrats, and one a Whig. And they voted respectively according to their party affiliation.

Although Mr. Dixon was so warmly attached to Mr. Clay, both personally and politically, yet he differed from him *in toto* as regarded emancipation in Kentucky. While there was scarcely a possibility of its immediate success, Mr. Dixon believed that the mere agitation of the question would be both impolitic and dangerous. The shock which it might give to the stability and security of sixty millions of property would, in his opinion, more than counterbalance any remote and doubtful advantage which could possibly accrue from the discussion of so delicate a subject. He accordingly opposed and denounced it with all the energy and vehemence of his nature. And, on the 15th of October, he brought forward the following resolution, which he sustained with marked ability, and which, in substance, was finally incorporated in the Constitution: "Whereas, the right of the citizen to be secure in his person and property is not only guaranteed by all free governments, but lies at the very foundation of them; and, whereas, the powers derived to this Convention, immediately and collectively, are directly from the people, and although

not expressed are implied, and that among these is the power so to change the existing Constitution of the State as to afford a more ample protection to the civil and religious rights of the citizen, but not to destroy them; and, whereas, the slaves of the citizens of this Commonwealth are property, both those that are now *in esse* and those hereafter born of mothers who may be slaves at the time of such birth. Therefore, *Resolved*, that this Convention has not the right, by any principle it may incorporate in the Constitution of the State, to deprive the citizen of his property without his consent, unless it be for the public good, and only then by making to him a just compensation therefor."[1]

The principles of this resolution were incorporated in the Constitution, Sections 20 and 13 of 8th and 13th Articles.[2] Mr. Dixon's speech in support of it was called "*the* speech of the Convention." Its delivery was so earnest, its arguments so convincing, its eloquence so powerful, that it carried the Convention by storm.

Early in the Convention, Squire Turner had offered a resolution for the gradual emancipation of the slaves of Kentucky, and Mr. Dixon had said in the debate on it: "I do not mean to say that in my judgment slavery is a blessing, or that, in my opinion, slavery as it exists in Kentucky is an evil. This is a question which I mean to discuss at a proper time—not abstractedly, but in

[1] Debates Kentucky Convention, p. 130.

[2] "ARTICLE EIGHTH.

"Section 20. The right of property is before and higher than any Constitutioual sanction; and the right of the owner of a slave to such a slave, and its increase, is the same, and as inviolable, as the right of the owner of any property whatever.

"ARTICLE THIRTEENTH.

"Ssction 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being previously made to him." (Pages 1100-1102, Debates Kentucky Convention.)

reference to the condition of society as it now exists in the commonwealth of Kentucky. I would, if I had the power, make all mankind free. I would have no such thing as slavery or inequality. I would have equal rights measured out to all; but in the formation of civil institutions for the government of man, we are to look at the condition of things as they are—we are to adapt the laws to the condition of those to be governed. It is a question of grave importance, whether or not slavery as it exists in Kentucky, is not better for the slave and the master—and this is the great question, the only question, which can have any particular interest in this debate. I shall attempt to show that slavery is not a curse as it now exists in Kentucky, and that it is a blessing. I do not mean to say, as I remarked before, that it would not be better, if there were no such thing as slavery on the face of the earth. I do mean to say that as slavery exists in Kentucky—in view of all the circumstances around it—in view of the wretched condition of the slave, his relation to his master, the peculiar organization of the two races, the utter impossibility that the one can rise to an equality in the scale of morality and dignity with the other, the fact that the slave, whether you call him freeman or not, is still but a slave, the wretched off-cast slave—I say it becomes a question of grave importance to Kentucky, whether it is not a blessing alike to the slave and the white man, that he is a slave. These are the questions which arise and present themselves, from a view of the condition of this commonwealth.''[1]

The second and third sections of the bill of rights were offered by Mr. Dixon:

''ARTICLE THIRTEEN.

''Section 2. That absolute, arbitrary power over the lives, liberty and property of the freeman exists nowhere in a republic—not even in the largest majority.

[1] Debates Kentucky Convention, p. 82.

"Section 3. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, happiness, security and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper."

Mr. Dixon was an acknowledged leader in the Convention, and was regarded by many as the ablest man there. "His presence," said one in speaking of him, "was commanding in the extreme, his form tall and most handsomely proportioned, his countenance as expressive as ever given to mortal man, and his voice, when he became animated, rang clear and inspiring as a silver bugle. To the finest judgment, the acutest logic, and an admirable method in argument, he added a passionate enthusiasm which made him irresistible before an audience or a jury."[1]

The author regrets that a limited space forbids further extracts which would evidence from his speeches what manner of man was the author of that Repeal, the true evolution of which from cause and effect the writer is attempting to show in this work.

Nowhere can a man's real character be so clearly found as in his impromptu speeches. And in those of Archibald Dixon one can read between the lines the boldness, the justice and the honesty, which were the marked characteristics of the man.

On December 21st, the new Constitution was signed by every member of the Convention except Garrett Davis. It was ratified by the vote of the people, and in June of 1850, was proclaimed as the law of the land. So far from taking any step in the direction of emancipation, it threw every safeguard possible around the property of Kentuckians in their slaves, and forbade the emancipation of any slave by his master except upon

[1] John W. Lockett.

condition that such emancipated slave be sent out of the State.

The gist of the organic laws as to the slaves of Kentucky is contained in sections 1, 2, and 3 of Article 10th, as given below:

"ARTICLE TENTH.

"Section 1. The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated, and providing for their removel from the State. They shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. They shall pass laws to permit owners of slaves to emancipate them, saving the rights of creditors, and to prevent them from remaining in this State after they are emancipated. They shall have full power to prevent slaves being brought into this State as merchandise. They shall have full power to prevent any slaves being brought into this State who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be, imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity; to provide for them necessary clothing and provision; to abstain from all injuries to them, extending to life or limb; and in case of their neglect or refusal to comply with the direction of such laws, to have such slave or slaves sold for the benefit of their owners.

"Section 2. The General Assembly shall pass laws providing that any free negro or mulatto after immigrating to, or being emancipated in, and refusing to

leave, this State, or having left, shall return and settle within this State, shall be deemed guilty of felony and punished by confinement in the penitentiary thereof.

"Section 3. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary; but the proceedings in such prosecution shall be regulated by law, except that the General Assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury."

CHAPTER XI.

1850—"Compromise of 1850," so-called—President Taylor's position—Democratic Speaker elected—Extract from speech of Mr. Clemens—Mr. Seward's Abolitionism—Southern sentiment as to Abolition and Secession—Mr. Clay's Resolutions—Extracts from his speeches—He denies the authorship of the line of 36° 30′, known as the Missouri Compromise line—At the close of his great speech of February 6th, advocating Union, Mr. Hale presents a petition to dissolve the Union.

It would require a pen far more able than that of the writer to depict even faintly the conflict of opinions, the diversity of interests, and the tumult of passions that agitated and swayed the minds and hearts of the American people in the years 1849 and 1850.

The gold[1] fever, the Abolition fever, and the anti-Abolition fever, were all at their height, raging and epidemic.

Judge Douglas' endeavor to secure a government for lawless California, to eliminate the gruesome question of slavery from Congressional action or debate by the admission of the entire new territory as one State, with liberty to settle the question for itself—or for its settlement by the extension of the Missouri Compromise line over the new Territories across to the Pacific as he had proposed in 1848—had alike signally failed; as had every other proposition from every quarter—whether Whig or Democratic.

A portion of the Northern Democracy had gone over bodily to the Free Soilers, and many others of them openly resented the defection of Southern Democrats from Gen. Cass; and declared that they would no longer submit to "Southern dictation"—that if he had maintained his allegiance to the Wilmot Proviso, he would

[1] Owing to the discovery of the gold fields of California.

have received the entire vote of the free States and been triumphantly elected.

When it is remembered that the South had, for many years, held the balance of power, as between the two great parties of the North where they were usually equal, and that both of these parties had looked to the South for the votes that might decide the supremacy of either; such political manifestations on the part of the Northern Democracy were very significant, and ominous of the division of parties into North and South rather than Whig and Democrat. For whilst the Northern Whigs were daily becoming more and more abolitionized, and sectional in feeling and policy, the Democracy had hitherto maintained strenuously the strict construction of the Constitution as an integral part of their policy, and consequently had advocated the right of the States to regulate their own domestic institutions, which was all the South had heretofore asked or desired.

The Whig party was equally as much divided against itself as was the Democratic. Gen. Taylor had been elected by Northern Whigs, and Southern Democrats and Whigs; and he was now expected by the one section to uphold the extension of slavery into the new Territories, and, by the other, to prevent it by his use of the veto power. A Kentuckian, a Whig, and a slave-holder, his administration was assailed not only by the Democracy, whose candidate he had defeated for the Presidency, but also by the great Kentuckian, leader of his own party in Congress, Henry Clay, whom he had defeated for the nomination, and who, having a contempt for his statesmanship (or lack of it) now derided his policy and criticised his measures without mercy as without stint.

The entire country indeed seemed at odds with itself. The Abolitionists of Massachusetts and elsewhere were clamoring against the execution of the fugitive slave law —through pulpit and press they were declaring in favor of that higher law which they claimed as above any

human statute, and as justifying the committing of murder even, if necessary, to prevent the return of a fugitive slave to his owner.

In South Carolina they were already drilling their soldiers for that fierce conflict which they believed lay before them in the near future.

Kentucky had entered her protest in the most emphatic way against the policy of emancipation, through the election of proslavery Democrats and Whigs to her Convention; whilst her whilom idol, and Senator elect, Henry Clay, was making a triumphal progress through the Northern States and cities, where he was received with boundless enthusiasm, and by immense crowds, who made the welkin ring with their cheers, meeting him with flying of flags, ringing of bells, and every other demonstration of welcome, all because of his position in favor of emancipation; added of course to his previous great popularity at the North, where he was beloved almost as much as in his own State, and regarded as a thoroughly national statesman.

But all this enthusiasm for Mr. Clay did not prevent Abolitionists from enticing away his body servant, Levi —whose duties were of the lightest character, simply to wait in his master's room, brush his clothes, and provide for his personal comfort generally.

When Levi reached Boston, however, he repented, returned the $300 that had been given him as an inducement, and went back to Mr. Clay. Levi, doubtless, became convinced he had made a great mistake in giving up a life of ease and of great dignity for a negro (*otium cum dignitate*) to take upon himself his own support for all time to come.

This incident shows the extraordinary ideas that Abolitionists entertained of their duty under the higher law, when they conceived it to call for the kidnapping, by bribery, of the slave (however content and well off he might be) of any citizen, no matter how patriotic, or distinguished, or benevolent, or devoted to the cause of

true liberty. This "higher law" made its disciples regardless alike of constitution, of law, of justice, of the rights of property, of common humanity to the white people of the South, and of the terrible danger to the Union of the States, in their action.

In his first message to Congress, December 4, 1849, General Taylor stated, that "No civil Government having been provided by Congress for California" or New Mexico, the people of those territories would doubtless present their constitutions to Congress and apply for admission to the Union in a short time. He recommended a "favorable consideration of their application," if their constitutions "should be conformable to the requisitions of the Constitution of the United States." And, "By awaiting their action, all causes of uneasiness may be avoided." The President plainly placed himself on the ground of non-intervention *by Congress* with the question of slavery in the Territories; but which meant, to the Southern people, a distinct *intervention* by the people of those Territories themselves against their right to go into them and carry their slave property with them, as it was believed that neither New Mexico nor California desired to have slavery introduced within their limits—it having been, in fact, abolished there some years previous by the laws of Mexico.

No one can blame the people of those Territories for objecting to having slaves brought into their country, and yet one can not, either, blame the Southern people for desiring a portion at least of the land which they had so largely contributed to gain. Nor yet, in view of the sentiment against slavery among the people of the North, could they be blamed for desiring to prevent its extension to the new Territories, whose acquisition they had opposed for the very reason that they feared they would in the end become slave States.

It was a very difficult question that the American Congress had to decide.

So difficult, indeed, that it seemed at one time almost

an impossibility to organize the House by the election of a Speaker. As the Free Soil Democrats refused to act with the regular Democratic party, and the Abolition Whigs would not act with the majority of the Whig party, neither side could get enough votes to elect a Speaker. Mr. Cobb, of Georgia, Democrat, and Mr. Winthrop, of Massachusetts, Whig, had been the most prominent candidates of their respective parties, and had received the majority of votes, but not enough to elect either one. On the thirteenth ballot they each had 97 votes—then Mr. Cobb's vote began to scatter—Mr. Winthrop held his own very steadily—about 102, being a larger vote than any other Whig had received so far until the thirty-seventh ballot, December 11th—when W. J. Brown, of Indiana, Democrat, whose majority had begun to increase on December 10th, received 107 votes, 113 being necessary to elect. On the fortieth ballot, December 12th, Mr. Brown, who gained steadily, had 112 votes; but, unfortunately for him, it was discovered at this juncture that, in response to a note from Mr. Wilmot (an Abolitionist of the most pronounced type) of December 10th, he had written:

WASHINGTON CITY, *December* 10, 1849.

Dear Sir: In answer to yours of this date, I will state that, should I be elected Speaker of the House of Representatives, I will constitute the Committee on the District of Columbia, on Territories, and on the Judiciary, in such a manner as shall be satisfactory to yourself and friends. I am a representative from a free State, and have always been opposed to the extension of slavery, and believe that the Federal Government should be relieved from the responsibility of slavery, where they have the constitutional power to abolish it.

I am truly yours,

W. J. BROWN.

HON. DAVID WILMOT.

Mr. Wilmot's note was then called for and produced.

December 10, 1849.

Dear Sir: In the conversation which I had with you this evening, you were free to say, that if elected Speaker of the House of Representatives, you would constitute the Committee on Territories, the Judiciary, and the District of Columbia, in a manner that should be satisfactory to myself and friends with whom I have had the honor to act. I have communicated this to my friends; and if, in reply to this note, you can give them the same assurance, they will give you a cheerful and cordial support. Respectfully yours,

HON. WM. J. BROWN.[1] D. WILMOT.

This revelation of treachery to his Democratic associates, Northern as well as Southern, on the part of a man for whom they were voting as a Conservative, and who was thus unmasked as in league with a Free Soiler, intensely disgusted them. The Speaker's power in appointing committees made it very important that a man should be elected whose fairness and impartiality would command the respect and confidence of all parties.

The discussion that arose now, was, if possible, more heated than any that had ever gone before.

Mr. Toombs, a Whig, and one of the wealthiest men in the South—whose great talents and force of character were only surpassed by his proud generosity of temper, and his haughty and fearless spirit of independence—declared most emphatically: "I do not, then, hesitate to avow before this House and the country, and in the presence of the living God, that if by your legislation you seek to drive us from the Territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this District, thereby attempting to fix a national degradation upon half the States of this Confederacy, I am for disunion;

[1] Cong. Globe, Vol. 21, p. 22.

and if my physical courage be equal to the maintenance of my convictions of right and duty, I will devote all I am and all I have on earth, to its consummation."

And Alexander Stephens, also a Whig and a Georgian, stated: "I tell this House that every word uttered by my colleague (Mr. Toombs) meets my hearty response. . . . Would you have us of the South to be an appendage to the Union? Would you have us submit to aggression upon aggression? I tell you, for one—and I do not intend to debate this question to-day—before that God who rules the Universe, I would rather that the Southern country should perish—that all her statesmen and all her gallant spirits should be buried in honorable graves, than to submit one instant to degradation."[1]

Andrew Johnson, of Tennessee, then a Democrat, and afterwards elected as Vice-President with Mr. Lincoln, spoke of the support Southern Whigs had given to Taylor and Filmore; and of the many anti-slavery propositions introduced into the House since the election of the present Whig administration; and argued that "the South might despair of any aid from those quarters."[2]

Lynn Boyd, of Kentucky, Democrat, was then put in nomination, but on the fifty-first ballot he had only 87 votes. So Mr. Winthrop was again taken up, and led the majority, but up to the fifty-eighth ballot he only got 86 votes—and the fifty-ninth only 28.

The Whigs and Democrats now determined on a Committee of Conference; and it was decided that the House should immediately proceed to the election of a Speaker, *viva voce;* and, if, after the roll should be called three times, no member had received a majority of the whole number of votes, then, upon the next call, the one receiving the largest number of votes, provided it was a majority of a quorum, should be declared elected Speaker.

So the votes were taken the three times, Mr. Cobb

[1] Cong. Globe, Vol. 21, pp. 28, 29. [2] Idem, p. 33.

and Mr. Winthrop again leading; Mr. Cobb ahead by a few votes on the sixtieth and sixty-first call—on the sixty-second each had 97 votes. The contingency contemplated, of no choice, having now been reached—when a majority should be sufficient to elect—the roll was called for the sixty-third time, when Mr. Cobb received 102 votes to Mr. Winthrop's 90; and by resolution was declared elected Speaker of the House—147 yeas to 34 nays—on the 22d of December, 1849.

One of the singular features of this last vote was that Mr. Toombs and Alex. Stephens voted nay, along with Mr. Wilmot and Mr. Giddings, those very noted and pronounced Free Soilers; it is to be presumed because their Whiggery was as yet predominant over every other sentiment; Mr. Cobb being a Georgia Democrat, and thus more distinctly a political opponent than if he had belonged to some other State.

And now Gen. Taylor, a Whig, elected President in 1848, by an overwhelming majority, had the mortification, in 1849, of seeing a Democratic Speaker of the House elected, and of finding a majority in both Houses of Congress arrayed against his Administration.

The first blood drawn in the pugilistic war of words of this session in the Senate, was upon the occasion of a proposal to print some resolutions of the Legislature of Vermont, in which her Senators and Representatives were instructed to use every exertion to prevent the extension of slavery into the new Territories, and to procure a law to abolish slavery in the District and wherever Congress had jurisdiction, denouncing it as "a crime against humanity," and also speaking of the "so-called compromises of the Constitution."

Some of the Southerners opposed the printing of the resolutions, which were throughout of the same tenor, on the ground that they were not respectful and should not be received; others wished them printed, that the people of the Southern States might "see the progress of opinion at the North." And others, again, held that any

communication from any sovereign State should be received, "as the States themselves are to be judges of their own conduct and language." [1]

Mr. Phelps, of Vermont, "deprecated all irritating discussions upon the subject of slavery," and stated that, when the Legislature passed those resolutions, "they did not expect that any peculiar importance would be attached to them—that they would receive the concurrence and sanction of the Senate—but said they expressed the sentiments of the civilized world, and that it was a great moral, a great political question, and all persons, at all times, should be at liberty to express their opinions on it."

Mr. Hale, of New Hampshire, the humorist of the Senate, said the resolutions were "harmless things"—"intended only for home use," . . . "to be used about election times." "The Whigs call the Democrats pro-slavery," and, "when they are about to re-elect one gentleman to an office, or another to fill it, it is very convenient, sir, at such times, to show good resolutions." Which caused "(great laughter)," says the Record.

But Mr. Hale goes on to state, in regard to the "moral sentiments of the people of the free States upon this great subject of slavery," "that there is in the feelings of the people a deep-rooted sentiment upon the subject that will hold to a most rigid accountability any Northern man that falters in the enunciation of that feeling, of its sustentation upon the floor of Congress."

Mr. Calhoun said: "I have long labored faithfully—faithfully to repress the encroachment of the North. At the commencement, I saw where it would end and must end; and I despair of ever seeing it arrested in Congress. It will go to its end; for gentlemen have already yielded to the current of the North, which they admit here that they can not resist. Sir, what the South

[1] It was Mr. Calhoun who said this.

will do is not for me to say. They will meet it, in my opinion, as it ought to be met." [1]

Mr. Borland, of Arkansas, opposed the printing of the resolutions—like Mr. Yulee, of Florida, he thought the language of them insulting to the South. He objected, also, to the term "*so-called* compromises of the Constitution"—"a denial that any compromises exist."

Mr. Clemens, of Alabama, spoke on the resolutions, and his speech, from which are given some extracts, is so indicative of the temper and sentiment of a portion of the Southern people at this time as to make it very instructive reading for those who wish to understand the truth of history. The sincerity of the speaker can not be doubted—he spoke as he felt, and felt as did many of his people.

EXTRACTS FROM

"Remarks of Mr. Clemens, of Alabama, in the Senate, January 10, 1850, on the Vermont Resolutions relating to Slavery:

"I believe with the Senator from South Carolina (Mr. Calhoun), that this movement will run its course, and end, as all similar things have ended, in blood and tears. The demagogues of the North have raised a tempest they can not control. It is impelling them onwards with an irresistible force—they can neither recede nor stand still; and, however fearful may be the path before them, it is one they *must* tread. For a miserable partisan purpose they have excited and kept alive bitter sectional jealousies, and burning hatreds, which are now bringing forth deadly fruits. . . . The North will not save the Union, and the South can not, unless, indeed, we submit to indignities and wrongs of so degrading a character as would almost make our fathers 'burst the cerements of the tomb,' and come among us once more to denounce and disown the de-

[1] Cong. Globe, Vol. 21, p. 123.

generate descendants who have disgraced a glorious ancestry. We know well what we have to expect. Northern demands have assumed a form which it is impossible for us to misunderstand. First comes our exclusion from the Territories. Next, abolition in the District of Columbia—in the forts, arsenals, dock-yards, etc. Then the prohibition of the slave trade between the States, and, finally, total abolition. These results are just as certain, unless the first step is firmly resisted, as that the sun will rise to-morrow, and the night will follow his going down. Heretofore it has been pretended that it was not the purpose of any considerable body at the North to interfere with slavery in the States; but this is an illusion which these resolutions have come in good time to dispel. I always knew it was false, but I did not expect to see the cloak so soon thrown aside. But even if it were true, I would still say I do not choose to place myself at your mercy. I will not exchange the fortifications which the Constitution throws around my rights for a frail reliance on your generosity or your forbearance. Concession never yet satisfied fanaticism, nor has the march of the wrong-doer ever been stayed by the supplications of the sufferer. Situated as we are, the impulse of manliness is the dictate of prudence. Our duty and our obvious policy alike demand that we should meet the danger on the threshold and fall or conquer there. It is of no consequence by what name you choose to designate your aggressions. When a principle is established which must bring not only poverty, but desolation and death to the South, it is immaterial whether you call it abolition, free soil, or, to use the phrase of the Senator from Ohio, free democracy; the end is the same, and so should be the resistance also. When the fall of the out-works must be followed by the fall of the citadel, he is a poor commander who hesitates to risk every thing in their defense. It is so with us; we can not yield an inch of the ground we now occupy without compromising our safety, and, what is

worse, incurring the reproach of eternal infamy. None but children can be imposed upon by the miserable delusion that abolition will pause in the midst of its successes. One triumph will pave the way to another until the wildest dream of fanaticism becomes a reality. I understand the policy of the North, as avowed in the other end of the Capitol, is to urge but one measure at a time; to proceed step by step, and to hide as much as possible from the public eye all future results. That would, indeed, be a shrewd game, and one well worthy of the brain that conceived it; but, unfortunately for its success, there are more fingers than one in the pie; there are too many demagogues to control, and the sentiment they have awakened among the honest but misguided masses is too impatient of restraint to await a process so slow and so fatiguing. They have been taught to believe that every hour slavery continues on the continent detracts from their chances of salvation, and that its abolition has been specially intrusted to them by God himself. No wonder they go beyond the knaves who have duped them. No wonder they refuse to listen to prudential counsels, and demand prompt action at whatever sacrifice of life or property to themselves or others. It is human nature—above all, it is the nature of the fanatic.

"The Senator from Ohio asks what grounds we have of complaint. The list of grievances is a long one, and the patience of the Senate would be exhausted if I attempted to recount them all. I will, however, remind him of some of the many claims the people of the North have established to our gratitude. They have established clubs throughout the North for the dissemination of pamphlets and other incendiary publications among our slaves, in which the foulest libels upon our citizens are mingled with the most terrible appeals to all the worst passions of the slave. Murder is boldly advocated, and the burning of our dwellings and the violation of our wives and daughters held up as a venial offense.

They have formed combinations to steal and run away our property. They have hired lecturers whose sole business it is to inflame the public mind at the North against us. Enactment after enactment is crowded into your statute books to hinder, delay, and defraud the Southern man in the prosecution of his constitutional rights. Your courts of justice have been converted into the vilest instruments of oppression, and, when other means have failed to accomplish a robbery, riot and murder have been freely resorted to. Even your pulpits have become the sanctuaries of slander, and the temples dedicated to the worship of the living God have echoed and re-echoed to vile and base denunciations of our people and their institutions. Will you tell me that all this is the work of a few mad-brained fanatics? I answer that a few fanatics could not have given color to the legislation of thirteen States, and prevented the justice of their courts. No, sir, no! It is general, nay, almost universal, and, whatever magic there may be in that word 'Union,' it has no balm for wounds like these. . . . However much I may have loved that Union, I love the liberties of my native land far more, and you have taught me that they might become antagonists; that the existence of one might be incompatible with the other. The conviction came but slowly, for it was not without its bitterness. As a boy I looked upon the Union as a holy thing, and worshiped it. As a man I have gone through that in its defense, which would have shriveled thousands of the wretched silk worms who, in peaceful times, earn a cheap reputation for patriotism by professing unbounded love for the Union. Even now I am not unmindful of all the glorious memories that we have in common; I do not forget that there has come down to us a rich inheritance of glory which is incapable of division. I know that side by side the North and South struggled through the Revolution; that side by side their bloody footprints tracked the snow at Valley Forge; that side by side they

crossed the icy billows of the Delaware, and snatched from fate the victory of Trenton. I remember all the story of the times that tried men's souls, and feel the full strength of all the bonds it has woven around us. If they have been fearfully weakened, if they are now about to snap asunder, the sin and folly belong not to us, but to those who have forced us to choose between chains and infamy on one hand, or equality and independence on the other. We are not the assailants, but the assailed; and it does not become him who maintains a just cause to calculate the consequences."[1]

Mr. Hale thanks Mr. Clemens for having taught him that "concession never satisfies fanaticism." And he would recommend it as a "text"—"and tell the timid, the doubtful and the wavering at the North that *concession never satisfies fanaticism.* I thank the Senator for that."

In the Senate of 1849–50 were to be found a number of the greatest men of our country since the time of the Revolution. Clay, Calhoun and Webster—Foote, Benton and Douglas—Houston, Cass, and Davis of Mississippi —Soule and Chase, Corwin and Bell—Berrien and Butler, Hunter and Mason—Dickinson, Truman Smith, Hale and Hamlin were the most distinguished in this assemblage of great intellects.

Of these, Hale of New Hampshire, and Chase of Ohio, were the only declared Free Soilers among the Democrats—and their policy was exactly the same as that declared by Mr. Phelps of Vermont, a Whig; non-intervention by Congress with the legislation of the States on the subject of slavery, but the prohibition of it every-where the United States had jurisdiction. Mr. Seward, a Whig and a leader of his party in his own State, New York, had openly declared himself an Abolitionist, *per se*, and had been elected to the Senate on this issue.

[1] App. to Cong. Globe, Vol. 22, pages 52–54.

There were several different types of Abolitionists: the humane, sincere, enthusiastic, visionary type, of which Mr. Greeley and Hon. Gerritt Smith were illustrations; and who were termed, in that day, fanatics. There was also the needy type, who embraced Abolitionism for the money that was in it; the patriotic type, who believed in the theory, but felt unwilling to subvert the Constitution of their country, to carry out any theory whatever; and lastly, the ambitious type, who regarded it merely as a matter of policy and power. To this latter class undoubtedly belonged the first recognized Whig leader of the Abolition forces, Hon. Wm. H. Seward of New York. An exceedingly able man, a very shrewd politician, in some respects a statesman, Mr. Seward was yet regarded by many of his contemporaries[1] as unscrupulous in politics and tortuous in methods. The type of his Abolitionism is best illustrated by a remark he made to my husband one day at a dinner party, in 1854, and which Mr. Dixon repeated to me when he came home. As usual the negro was under discussion, and Mr. Seward said to Mr. Dixon, "Your lands down there are too fine to be given over to such an inferior and degraded race as the negroes. There are too many poor white men in the North who want them, and we mean to have them." Said Mr. Dixon, "What then will you do with the negroes?" he replied, "We will drive them into the Gulf of Mexico as we are driving the Indians into the Pacific Ocean. Set them free, and in fifty years there will not be a negro left." Mr. Dixon exclaimed, "God! man, you ought to be hung!" The cruelty of the proposition shocked him, and his amazement was equal to his horror at hearing such a suggestion from a man whom he had supposed to be actuated, however mistakenly, by sentiments of humanity towards the negro. I can never forget Mr. Dixon's expression as he told me of the remark, and I could easily imagine

[1] See Welles in Galaxy of July, 1873.

the vehemence of feeling conveyed in his reply to Mr. Seward.

Slavery in the Southern States was, to a degree, an eminently patriarchal institution; the owners of the slaves regarding themselves as the protectors,[1] as well as masters,

[1] "Archibald Dixon and his Slaves.

"The slaves of the South were the happiest class of laboring people the world has ever known.

"Self-interest, to say nothing of the better side of human nature, prompted their owners to treat them with kindness and with care.

"Cruelty to them was the exception and not the rule, and the master who was guilty of it was sure to receive the opprobrium of the community.

"They were well fed, well clothed and well housed.

"When sick, physicians were called to see them, and the prescribed medicines provided, and when old, they remained until their deaths pensioners upon the bounty of their owners.

"There can be found to-day, in a night's journey through any of the larger cities of the world, more misery, wretchedness and want among the people of that city than could have been found among the slaves of the South in a year's travel.

"It was the yearly custom throughout the greater part of the South for masters to give their slaves the use of small tracts of land for producing crops of corn, tobacco, cotton, potatoes, etc., and the money arising from such crops belonged to the slaves for their exclusive benefit.

"No planter in the South adhered to this custom with more kindness and justice to his slaves than did Mr. Dixon.

"The late Hon. W. R. Kinney, of Louisville, one of the leading lawyers of Kentucky, told me that he once rode wfth Mr. Dixon to one of his plantations where they were cutting tobacco for fear of the frost.

"Mr. Dixon asked the overseer if the negroes' tobacco had been cut.

"The overseer replied, no. 'Then,' said Mr. Dixon, 'cut their tobacco first. I can afford to lose mine, but they can't afford to lose theirs.'

"Some of his slaves I have known to realize in one year nearly five hundred dollars on such crops.

"Mr. Dixon, in all his life, never sold a slave, but he bought numbers of them in order to keep husband and wife and parent and child together.

"The relations between him and his slaves were of the kindest character—he was just and kind to them, and they were faithful and devoted to him.

"He died in 1876, years after they had been freed, but numbers of them attested to the affection they had borne for him as slaves by attending his funeral and dropping to his memory the tears of genuine grief." (Hon. Henry C. Dixon's Lecture.)

of their servants. It was then a revolting as well as novel idea to a Southern man, that an Abolitionist should design the freedom of the negro for his destruction as a race; pity for the "poor oppressed negro" having been the key-note of all Abolition declarations, the text of their sermons, and indeed the pivot upon which, professedly, they turned the wheel of all their solemn and sentimental objurgations against slavery and slave-holders.

I have not found that Mr. Seward ever proclaimed the above policy in any of his speeches before the Senate; but he may have done so in his campaign speeches, and most probably did in some of them. It will be seen, however, from his statement to Mr. Dixon that his idea in freeing the negroes was, *distinctly*, to take away the lands from both the negroes and their owners, that they might be given over to "the poor white men in the North who want them." By what process Mr. Seward proposed to accomplish this end does not appear, further than the depriving the Southern people of their property in their slaves (a property to which they were entitled under the Constitution), and ousting the negroes from their homes in order to make way for the "poor white men of the North." But it is evident that he intended that *they*, these men of the North, should *have* the lands of the South. Now, to have land, is to own it; and as two parties can not own land at one and the same time, the Southern owners must be dispossessed before the Northern men could own it. The men of the North, of whom he spoke, would not have gone to Southern lands except as settlers on them, as owners of them. They would not have gone as serfs or hirelings. It does not appear that Mr. Seward proposed to purchase these fine lands for the "poor white men in the North who want them." How, then, were they to be obtained? Was it a part of his plan to simply so cripple the Southern country by the destruction of its labor system as to cheapen its lands and thus put them within reach of the class of

men for whom he meant to "have them?" However this may have been, the morality of the purpose which involved the wholesale confiscation of the property of the white race of the South in their slaves, and possibly the prospective practical confiscation of their lands, together with the destruction of the blacks under guise of kindness, is not discernible to the ordinary mind; and the reader may decide for himself whether most to admire the comprehensive sagacity which could devise such a solution of the Malthusian problem for both the North and South, or the even more comprehensive statesmanship which could so far overreach itself as to bring about results precisely the opposite of those desired, and which have proven exactly opposite to Mr. Seward's expectations, the negroes having multiplied so rapidly in thirty-two years of freedom as to have reached the point of crowding upon the "poor white man of the North," and the Southern land mostly remaining in the possession and ownership of Southern men.

Mr. Seward's statement to Mr. Dixon is given as being an exposition of the real sentiments of the most able and prominent leader of the Abolition party. The remark was made publicly (or, openly?) in the presence of all the company assembled, so there can be no violation of privacy in its publication; and as a matter of historical interest, it ought to be recorded. For nothing more assists the truth of history than the unvailing of the real motives which actuate public men.

As early as in 1850, every thing was tending to that grand Abolition crusade against slavery, the like of which was never seen in any civilized country, for unreason, for enthusiasm, for universality of feeling, for oneness of purpose, and which reminds one of the Crusade of the children in the Dark Ages. All parties in the North were already leaning toward it, and it required the united genius and patriotism of Clay and Douglas, Webster and Foote, upheld by other patriotic

spirits, to stem the torrent and keep it back even temporarily.

It seems now a marvelous thing that not one of those great men ever proposed—as did that truly good and great man, Mr. Meigs, of New York, in 1820, in regard to the Louisiana Territory—to devote the proceeds of the sale of lands in the new Territories to the purchase and deportation of the negroes of the South. The nearest approach to such a proposition was made by Mr. Webster, who stated in his great speech of March 7, 1850:

"I will say, however, though I have nothing to propose on that subject, because I do not deem myself competent as other gentlemen to consider it, that if any gentleman from the South shall propose a scheme of colonization, to be carried on by this Government upon a large scale, for the transportation of free colored people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago by a great man, then a Senator from New York, I would return to Virginia, and through her for the benefit of the whole South, the money received from the lands and territories ceded by her to this Government, for any such purpose as to relieve, in whole or in part, or in any way, to diminish or deal beneficially with the free colored population of the Southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the Treasury of the United States eighty millions of dollars, the proceeds of the sale of the public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, they have my free consent that the Government shall pay them any

sum of money out of its proceeds which may be adequate to the purpose.'"[1]

It may have been they knew it could not be done—the South may have been making too much money from her cotton, and sugar, and tobacco, to have been willing to part with her slaves for any amount—and the North may have been more unwilling to pay the South any thing for them than even in 1820; but such an arrangement, including all the slaves of the South, would certainly have cost much less than the war, and would have left the country in a far better condition. The South would have been rid of the vexing negro problem, and the North would have had all the fertile lands of the South for the overflow of her own surplus population. But this view of it seems not to have occurred to either side; the Abolitionists had been opposed always to colonization of the negroes, and had, indeed, been the main influence that defeated the efforts of the Liberian Colonization Society for the freedom and deportation of that race. In fact, hatred and bitterness seemed so to rule the hour that the moderate men, the patriots, were most concerned to concoct some measures that might conciliate all parties, rather than to adopt measures that would remove the cause of dissension. The seeds sown in 1836 by Mr. Adams and the Abolition societies were bearing the fruit of hatred to the South in the North, and of angry and bitter feelings toward the North in the South. The North believed, mistakenly, to a great extent, that the South had denied them right of petition, that the Southern people had a contempt for the white workingmen of the North, and that the whites of the South had a greater voting power in the government than the freemen of the North—and their whole religious and humane feelings were in arms for the "poor negro" whom such a leader as Mr. Seward proposed to doom to destruction by means of his free-

[1] App. Cong. Globe, Vol. 22, p. 276.

dom. So that we see every motive acted upon to bring about hatred of the South in the breasts of the Northern people. Their love of liberty, their pride as freemen, their jealousy of power, their enthusiasm as Christians, their pity as people of kind feelings, their cupidity as they were avaricious, every feeling and impulse were played upon by their orators and writers, until this "harp of a thousand strings" finally sounded one grand diapason of mad hate and destruction to those who had been their friends and brothers in times past.

Was it wonderful, then, that the South should have become angered and embittered, and should have, at last, felt like shaking off the partnership? Was it not, rather, wonderful that, in spite of all this open warfare of word and pen upon her people, there should yet have remained so many whom nothing could shake in their love for the Union of the States? So many who yet, and always, believed its destruction to be worse than any loss of property, worse than the setting free of the slaves, worse than any thing except the destruction of the Constitution itself—and who saw in the destruction of the Union the utter and hopeless destruction of the Constitution—who saw in secession no remedy for any evil whatever, but only anarchy and worse evil to come. There were thousands of such men all over the South, even in 1860–61, some of whom never yielded to either secession or coercion, and others, who only yielded as Gen. Lee and Jubal Early did, at the last moment, to the fiat of their States. In 1850, this was still the prevailing sentiment of the Southern people. They looked on Abolition as a madness which should be contended against, but which they believed the better classes of the Northerners took no part in. They knew that they were not responsible for the existence of slavery in the country—they found it here when they were born, and knew of no way by which to rid themselves of it. They had attempted to colonize their slaves in Liberia, but had failed. As to setting them free in their midst, it was not to be thought

of—and the Northern States had themselves all (or nearly all) closed their borders to the entrance of free negroes, because they were the most utterly worthless of all populations, and were a nuisance in every neighborhood where they had found a lodgment. The executor of Mr. Randolph's estate had paid nine thousand dollars ($9,000) for a farm in Ohio on which to settle the negroes freed by Mr. Randolph's will, and, when they went to take possession, they were met by citizens of Ohio with pistols and guns, and were never permitted to settle upon the land that had been purchased for them. The free States were open to runaway slaves, but not to those legally freed, and there was no country where the Southerners could sell their slaves, and so get rid of them, as the North had, so fortunately for herself, done, by selling her slaves to the South.

Knowing all these facts, the South naturally felt indignant at the proposition to exclude her from the common territory, and so deprive her of any place of exodus for the increase of her slave population; and also at the threats against the property in them which had been hers before the Constitution and the Union were formed, and which was fully protected by that Constitution. When a violation of the Constitution was threatened by steps preliminary to the freeing of her slaves, as she was convinced, it was a question of policy with her as to how it should best be met and prevented. And those gentlemen, who believed secession to be the only way to protect those rights which belonged to them before the formation of any Union whatever, should certainly not be characterized either as ambitious statesmen, disappointed of office, and seeking, in a separate government, those honors and emoluments denied them in this—which was George D. Prentice's favorite way of putting it—or as traitors, as they were so largely entitled after secession materialized into an active principle rather than a mere shadowy idea. Mistaken in policy, as they assuredly were, it was yet an honest mistake, and one

on which they risked life and all that life holds most dear, and they should be credited with the uprightness of their motives, albeit they were led away by a madness, as it were, of the most fatal character.

There has been a prevailing idea that Mr. Calhoun and other Southern men were *anxious* for secession; and it has been a cherished and favorite feeling and opinion among Northern writers and speakers that the Southern slave-holders were the aggressors in all the difficulties that preceded and brought on the war between the States. On the contrary, the careful reader of the legislation of 1850 can not avoid the deliberate conviction that, however mistaken in their policy, as to the manner of doing it, they may have been, Mr. Calhoun and those who shared his views were impelled, not by any love of secession, but solely by the instinct of self-preservation, to the protection of all they held most dear—their country, their families, and their liberty. The extreme and aggressive ground taken by the Abolitionists satisfied them of the danger to all their interests in the success of that party; and they acted only on the defensive, in regarding the choice of secession as a less evil than that one which they regarded as paramount, but which the great and powerful sectional party of the North, in its daily growing strength and bitterness, seemed resolved to force upon them, viz: the setting free of their slaves in their midst.

It was their aversion, not only to the anticipated wrong to their property rights, their rights as individuals and citizens to control their own domestic affairs, but also to the radicalism, agrarianism, anarchy and license, of which Abolitionism and "higher law" were but forms of expression; it was their inherited love for constitutional liberty, constitutional justice, constitutional equality, and constitutional government, as opposed to those anarchical elements, that turned to thought of secession, as seemingly their only practicable mode of defense, the most loyal hearts of the most loyal men who

ever lived under any government; that afterward raised armies to fight their battles, and united them so solidly in opposition to the Abolition power, when it gained possession of the Government in 1861. The men of the South felt, in the struggle that followed, that they were fighting for the last hope of constitutional liberty on this continent as against anarchy, tyranny and despotic power, conjoined to a spirit of enmity and hatred towards the people of their section on the part of the Abolitionists. Even in 1850 this enmity and hatred were so apparent as to cause the gravest apprehensions in the minds of Northern patriots as well as Southern. But Mr. Calhoun resented being called a disunionist, and declared his love for the Union almost with his latest breath; and in the beginning of the session of 1849–50, Mr. Meade, of Virginia, resented so fiercely the application of "disunionist," applied to him by Mr. Duer, of New York, as to require the interposition of friends to prevent a personal difficulty. In truth there were then no unconditional secessionists or disunionists at the South, and comparatively very few who contemplated secession with any favor as a remedy for the coming evil; whilst at the North every Abolitionist advocated separation from the South, declaring that they held it as a sin and a contamination to be connected in any way with a people so wicked, so cruel, and so criminal as they believed the Southern slave-holders to be.

Up to 1850, however, we find nowhere, at any time, any proposition from any of the Southern people to dissolve the Union—the only proposals to that effect having been those held and presented some years before by Mr. Adams, and proceeding from parties in various of the Northern States. Nor, so far as the writer has been able to discern, was any Southern statesman inspired by disappointed ambition with feelings of sectional hate, or influenced thereby to a course of sectional policy.

Kentucky *never* believed in secession. She thought

that as a principle it meant disintegration, as a policy it meant defeat.

Neither did she believe in coercion. She thought that no rightful power existed any where to coerce a sovereign State.

But whilst, abstractly, secession might be an unquestionable right, it was one of such questionable value that she could never see the wisdom of exercising it. Her people were never willing to give up their rights under the Constitution, in the Union, the Flag, the Capitol—the army, the navy, the treasury, the territory—in their common heritage of glory as American citizens, a glory which they had contributed so largely to create! To turn over all these rights to others who were inimical, to yield up all these advantages to others, for the one right *to give them up*, seemed to Kentuckians absolutely suicidal. It would have suited their ideas much better to have protected both Constitution and Union from the violent onslaughts of Abolition seceders and disunionists; to have held on to the Government with all its treasures of past glories and future hopes, defending it from all enemies, and especially from the Abolitionists who were openly declaring their purpose to destroy the Union of the States, and to violate the Constitution. Had the South taken this view; had she, instead of handing over her government to these enemies of law and order, fought to preserve the integrity of the Constitution and the Union of the States; had she made the fight for her just rights within the Union, and under the Flag of our country; she would certainly have had a large proportion of the Northern people with her, and the results would without doubt have been very different, and far more favorable to her prosperity.

Various resolutions to organize governments for California, Deseret and New Mexico, were offered in both Houses. Notably, Mr. Benton, now a Free Soiler, attempted to turn over a large portion of Texas, a slave

State, to New Mexico, in order to gain that much more free territory.

On the 29th of January, 1850, Mr. Clay offered a series of resolutions, which were as follows:

"It being desirable for the peace, concord and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable and just basis: Therefore—

"1. *Resolved*, That California, with suitable boundaries, ought upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within these boundaries.

"2. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the Territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said Territory; and that appropriate Territorial governments ought to be established by Congress in all of the said Territory, not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

"3. *Resolved*, That the Western boundary of the State of Texas ought to be fixed on the Rio Del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly; and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

"4. *Resolved*, That it be proposed to the State of Texas that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State contracted prior to its annexation to the United States, and for which the duties on foreign

imports were pledged by the said State to its creditors, not exceeding the sum of $——, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having henceforward become payable to the United States; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

"5. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

"6. *Resolved*, That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

"7. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union.

"And 8, *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws."[1]

The resolutions of Mr. Clay had been looked for with great anxiety by the public—as it was understood that he was preparing a compromise which it was hoped would settle all the vexing problems of the hour.

Upon their presentation, he made some remarks

[1] Cong. Globe, Vol. 1, p. 246.

recommending them to all parties—and to which the author wishes to call special attention:

"Sir, I might, I think—although I believe this project contains about an equal amount of concession and forbearance on both sides—have asked from the free States of the North a more liberal and extensive concession than should be asked from the slave States. And why, sir? With you gentlemen Senators from the free States, what is it? An abstraction, a sentiment when directed rightly, with no sinister or party purposes; an atrocious sentiment—a detestable sentiment—or rather the abuse of it—when directed to the accomplishment of unworthy purposes. I said that I might ask from you larger and more expansive concessions than from the slave States. Not that there is any difference—for upon that subject I can not go along with the ardent expression of feeling by some of my friends coming from the same class of States from which I come—not that there is any difference in valor, in prowess, in noble and patriotic daring, between the people of one class of States and those of another. You are in point of numbers, however, greater; and greatness and magnanimity should be allied together.

"But there are other reasons why concession upon such a subject as this should be more liberal, more expansive, coming from the free than from the slave States. It is, as I remarked, a sentiment, a sentiment of humanity and philanthropy on your side. Aye, sir, and when a sentiment of that kind is honestly and earnestly cherished, with a disposition to make sacrifices to enforce it, it is a noble and beautiful sentiment; but, sir, when the sacrifice is not to be made by those who cherish that sentiment and inculcate it, but by another people, in whose situation it is impossible, from their position, to sympathize and to share all and every thing that belongs to them, I must say to you Senators from the free States, it is a totally different question. On your side it is a sentiment without sacrifice, a senti-

ment without danger, a sentiment without hazard, without peril, without loss. But how is it on the other side, to which, as I have said, a greater amount of concession ought to be made in any scheme of compromise?

"In the first place, sir, there is a vast and incalculable amount of property to be sacrificed, and to be sacrificed, not by your sharing in the common burdens, but exclusive of you. And this is not all. The social intercourse, habit, safety, property, life, every thing is at hazard in a greater or less degree in the slave States.

"Sir, look at that storm which is now raging before you, beating in all its rage pitilessly on your family. They are in the South. But where are *your* families, where are *your* people, Senators from the free States? They are safely housed, enjoying all the blessings of domestic comfort, peace, and quiet in the bosom of their own families.

"Behold, Mr. President, that dwelling-house now wrapped in flames. Listen, sir, to the rafters and beams which fall in succession, amid the crash, and the flames ascending higher and higher as they tumble down. Behold these women and children who are flying from the calamitous scene, and with their shrieks and lamentations imploring the aid of high Heaven. Whose house is that? Whose wives and children are they? Yours in the free States? No. You are looking on in safety and security, whilst the conflagration which I have described is raging in the slave States, and produced, not intentionally by you, but produced from the inevitable tendency of the measures which you have adopted, and which others have carried far beyond what you have wished.

"In the one scale, then, we behold sentiment, sentiment alone; in the other property, the social fabric, life, and all that makes life desirable and happy."[1]

Southern Senators could not see any *compromise* in

[1] Cong. Globe, Vol. 1, p. 246.

Mr. Clay's resolutions, and objected to them accordingly. They could not see where any concession was made to their interests. They admitted his intentions to be pure and patriotic, but said not one of the resolutions gave the South any thing, whilst they practically gave the North, California, New Mexico, and Deseret—proposed to interfere with the boundary of Texas, which the United States had no more right to do than to interfere with the boundary of the State of Kentucky—that it conceded the abolition of the slave trade in the District of Columbia, that the resolution as to the fugitive slave law was all very well, but there was already a provision in the Constitution regarding that matter which could not be carried into effect, and his resolution, even backed by his powerful influence, could be hardly expected to have better success.

The usual allusion to Mr. Clay's authorship of the Missouri Compromise was made, by Mr. Jefferson Davis this time, and further on he asserts: "I here assert that I never will take less than the Missouri Compromise line extended to the Pacific Ocean, with the specific recognition of the right to hold slaves in the Territory below that line; and that, before such Territories are admitted into the Union as States, slaves may be taken there from any of the United States at the option of their owners."[1]

It was in reply to this assertion that Mr. Clay said: "No earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either north or south of that line, . . . the proposition which I make of leaving the subject unacted upon with regard to slavery, . . . is a much better proposition, as far as the interests of the South are concerned, than that of extending the Missouri line to the Pacific, unless you should couple with it that which the Senator from Mississippi knows to be impos-

[1] Cong. Globe, Vol. 1, p. 249.

sible, a declaration or provision for the introduction of slavery south of that line."

Mr. Davis: "The Senator from Mississippi knows that."[1]

It was on the 5th of February that Mr. Clay made his great speech in the Senate of the United States in support of these resolutions by which he had hoped to give peace to his country. The reader has doubtless seen the engraving taken of him and of the Senate upon that grand and thrilling occasion. But, fine as it is, the engraving conveys no idea of that matchless grandeur of presence which marked Henry Clay as a king among men,[2] and no description could carry with it any conception of that wonderful voice, which could only be likened to the music of the rolling thunder. Nor, in the present day, may it be easy to appreciate in its fullness that passionate devotion to the National Union which was the political religion, that intense belief in the equal rights of the States which was the political faith, and that high respect for Constitutional law which was the political creed, of that early Kentucky patriotism of which Mr. Clay was the incarnation. Nor was this great man less distinguished for his common sense than for the more striking characteristics of his genius. It will be remarked of him that, when he could not carry the measure he wished to carry, he would take what he could obtain that was nearest the point. So that, when these resolutions failed, as they did, he united with other patriots

[1] Cong. Globe, p. 249.

[2] In Carl Schurz's Life of Henry Clay, he speaks of his "involuntary showiness." It would be quite as appropriate to speak of the "involuntary showiness" of Mont Blanc. Had Mr. Schurz known Mr. Clay personally, he could, with his ability, have written a book that might have done his subject justice. Major Throckmorton, proprietor of the Galt House, in Louisville, for so many years, and one of "Old Hal's" familiars, came much nearer the truth when he said, in his forcible Kentucky vernacular, "Take Henry Clay at the bar, on the stump, in the Senate, as a diplomat in Europe, as a visitor in the proudest courts in Europe, and, by G—, he's captain in every crowd he gets in.'

in support of other resolutions which were carried and became known as the "Compromise of 1850."

The extracts from this speech of February 5, 1850, are given mainly to illustrate Mr. Clay's position, as regards the Missouri Compromise, by his own statement. For the rest, he claimed that the Constitution could no more carry *instanter* the institution of slavery with it into the new Territories than it could carry the principle of freedom with it, which the free States have chosen, from policy, to adopt—that Congress had the power to introduce it or abolish it as to the Territories—and it was as regarded the Territories, a debatable question—but, as to the States, it was not a debatable question. That the power to exclude slavery from the Territories included the power to introduce it. He tells the North they have what is worth a thousand Wilmot provisos—they have nature on their side, facts upon their side, and the truth staring you in the face that there is no slavery in those Territories. "If you are not infuriated, if you can elevate yourselves from the mud and mire of party contentions to the purer regions of patriotism, you will look at the fact as it exists."[1]

Speaking of the fugitive slave law, he says:

"Upon this subject I do think we have just and serious cause of complaint against the free States. I think they have failed in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is most irritating and inflammatory to those who live in slave States. Why, sir, I think it is a mark of no good brotherhood, of no kindness, of no courtesy, that a man from a slave State can not now, in any degree of safety, travel in a free State with his servant, although he has no purpose of stopping there any longer than a short time. Upon this subject the Legislatures of the free States have altered for the worse in the course of the last twenty or thirty years. Most of

[1] App. Cong. Globe, Vol. 22, p. 119.

these States, until during the period of the last twenty or thirty years, had laws for the benefit of "sojourners," as they were called, passing through or abiding for a time in the free States with their servants."[1]

Mr. Clay evidently felt a personal hurt in the taking away of his servant, Levi.

Of the Missouri Compromise, he says:

"Sir, while I was engaged in anxious consideration upon this subject, the idea of the Missouri Compromise, as it has been termed, came under my review, was considered by me, and finally rejected, as, in my judgment, less worthy of the common acceptance of both parties of this Union than the project which I offer to your consideration."[2]

"Mr. President. before I enter into a particular examination, however, of that Missouri Compromise, I beg to be allowed to correct a great error, not merely in the Senate, but throughout the whole country, in respect to my agency in regard to the Missouri Compromise, or rather the line of 36° 30′, established by the agency of Congress. I do not know whether any thing has excited more surprise in my mind as to the rapidity with which important historical transactions are obliterated and pass out of memory, than has the knowledge of the fact that I was every-where considered the author of the line of 36° 30′, which was established upon the occasion of the admission of Missouri into the Union.[3]

[1] Cong. Globe, Vol. 22, p. 123.

[2] Judge Douglas states that he and Mr. Clay had taken means to find out whether it was possible to get the Missouri Compromise line through both Houses of Congress—they had become satisfied it could not be carried—and, after conferring on the matter, had decided not to offer it, in view of its certain defeat.

[3] The following letter, kindly furnished the writer by Hon. Micajah Woods, of Charlottesville, Va., and hitherto unpublished, will interest the reader, as it proves conclusively that Mr. Clay did not at any time claim to be the author of the line of 36° 30′, as was so largely claimed for him, and so extensively believed. It is to be noted that he makes no allusion even to it—as a compromise or otherwise—but only speaks

"It would take up too much time to go over the whole of that important era in the public affairs of this

of the "Taylor restriction"—which was "defeated"—and then goes on to tell of his own part in the legislation of 1821.—AUTHOR.

"ASHLAND, 16th *July*, 1835.

"DEAR SIR: I have duly received your favor of the 8th inst. and feel greatly obliged by the friendly sentiments and the constancy with which you have adhered towards me. I regret extremely that I can supply you with no copy of any speech that I ever made on the Missouri question. The debate was long, arduous, and during the last agitation of the question, I spoke almost every day for two or three weeks, on the main or collateral questions. The set prepared speech which I made, of three or four hours duration, was never published. Of my share of the debate, there is therefore only a meager amount to be gleaned from the papers of the day.

"The question first arose in the session 1819–1820. When the bill for admitting Missouri into the Union was on its passage, Mr. Taylor, of New York, proposed to insist on it as a condition on which the State was to become a member of the Confederacy, that it should never tolerate slavery or involuntary servitude. The argument by which that proposition was maintained, by himself and others, was that slavery is contrary to the divine law and to the acknowledged rights of men; that it ought not to exist; that it is an admitted evil; that if the General Government can not extirpate it in the old States, it can prevent its extension in the new; that being restricted within a limited sphere it will be less pernicious and more controlable; that Congress having the power to admit new States may prescribe the conditions of their admission; and that in all preceding instances of the admission of new States, some conditions were annexed.

"To all this we replied, that the General Government had nothing to do with the subject of slavery, which belonged exclusively to the several States; that they alone were to judge of the evil and remedy; that every State had such entire control over the matter that those which tolerated slavery might abolish it or admit it, without any interference from the General Government; that altho' Congress had the power to admit new States, when admitted, by the express terms of the Constitution, they were on the same footing, in every respect whatever, with the senior States, and consequently had a right to judge for themselves on the question of slavery; that if Congress could exercise the power of annexing a condition respecting slavery, they might annex any other condition, and thus it might come to pass that instead of a Confederacy of States with equal power, we should exhibit a mongrel association; that in the case of other new States they were not conditions upon their Sovereignity, but voluntary Compacts, relating chiefly to the Public Lands, and mutually beneficial; that the extension of slavery was

country. I shall not attempt it; although I have ample materials before me, derived from a careful and

favorable to the comfort of the slave and to the security of the White Race, etc.

"The proposition by Mr. Taylor (which I think had been made at the previous session) was defeated by a small majority, and the bill passed, without the obnoxious condition.

"Missouri assembled her convention, formed a Constitution and transmitted it to Congress. In that Constitution, she unfortunately inserted a clause against free Blacks. And when at the session 1820–1821, it was proposed to admit her into the Union, the same party who had made the condition, taking advantage of that exceptionable clause, now opposed her admission. I did not reach Washington until in January, and when I got there, I found the members from the Slave States, and some from others in despair. All efforts had been tried and failed to reconcile the parties. Mr. Lowndes had exhausted all his great resources in vain. Both parties appealed to me; and after surveying their condition I went to work. I saw that each was so committed and wedded to its opinion that nothing could be effected, without a compromise; and the point with me was to propose some compromise which should involve no sacrifice of opinion or principle. I got a Committee of Thirteen appointed by the House, and furnished to the Speaker (Mr. Taylor) a list of such members as I wished, embracing enough of the Restrictionists to carry any measure, if they would agree with me. In that Committee I proposed and, with its assent, reported to the House a clause, by way of condition, to be annexed to the act admitting her, substantially like that which was finally adopted. It was defeated in the House by Mr. Randolph, and Messrs. Edwards and Burton, of North Carolina voting against it.

"My next movement was to get a joint Committee of twenty-four appointed by the two Houses. That on the part of the House was chosen by ballot and a list which I made out was appointed with a few exceptions. They reported the resolution, now to be found in the Statute Book, which was finally passed 2d March, 1821, and settled the question.

"Never did a party put so much at hazard as the Restrictionists did on so small a question, as that was which arose on the second occasion growing out of the Constitution of Missouri. Never have I seen the Union in such danger. Mr. King, of New York, was understood to concur in all the measures of the Restrictionists. He was a member of the Senate, spoke largely on the subject, and was most triumphantly refuted, in one of the ablest speeches of Mr. Pinckney, of Maryland, that I ever heard.

"Besides the topics employed in the first instance, on this second occasion, the main effort of our opponents was procrastination, they urging that the matter should be put off till the new Congress. We believed that their real purpose was to consolidate their party and to

particular examination of the journals of both Houses. I will not occupy your time by going into any detailed account of the whole transaction; but I will content myself with stating that, so far from my having presented as a proposition the line of 36° 30′, upon the occasion of considering whether Missouri ought to be admitted into the Union or not, it did not originate in the House of which I was a member. It originated in this body. . . . a clause was proposed by Mr. Thomas, of Illinois, in the Senate, restricting the admission of slavery north of 36° 30′, and leaving the question open south of 36° 30′, either to admit or not admit slavery. The bill was finally passed. . . .

"So the matter ended in 1820. During that year, Missouri held a Convention, adopted a Constitution,

influence the presidential election then approaching. I never was in better health and spirits, and never worried my opponents more.

"I coaxed, soothed, scorned, defied them, as I thought the best effect was to be produced. Towards those, of whom there were many from the free States, anxious for the settlement of the controversy, I employed all the persuasion and conciliation in my power.

"At the conclusion of the business, I was exhausted, and I am perfectly satisfied that I could not have borne three weeks of such excitement and exertion.

"The account of that memorable question is written for your own satisfaction, and not for publication. It is the first draft and I retain no copy.

"You ask, can the Whigs consistently support Judge White? Those, in favor of the policy for which I have contended, can not, except as the last and only alternative. My opinion is, that the way to defeat Mr. Van Buren is to have two Whig candidates, one of which shall represent the feelings and instincts of each of the two great divisions of the party. Between them there is no common bond of sufficient force, to call out all their energies, zeal and animation in support of any one candidate; or rather the influence of the opinions and principles which are common to them, is too much impaired by their differences on certain questions of National policy. The consequence would be that, if Mr. White were run alone against Mr. Van Buren, he would be defeated for the want of Northern or Western support; and if Mr. Webster, General Harrison or Judge McLean were to run, he would be defeated for want of Southern support. Two candidates are necessary to absorb all the votes of those who are more or less inclinad against Mr. Van Buren.

"Your letter has brought on you a great infliction in this long epistle.

sent her Constitution by her members to Congress, to be admitted into the Union; but she had inadvertently inserted into that Constitution a provision to prevent the migration of free people of color into that State. She came here with the Constitution containing that provision, and immediately Northern members took exception to it. The flame which had been repressed at the previous session now burst out with redoubled violence throughout the whole Union. Legislative bodies all got in motion to keep out Missouri from the Union, in consequence of her interdiction of the admission of free people of color within her limits.

You must ascribe it to the friendly feelings excited by your's. I rarely commit this sort of offense. With great respect,

"W. S. Woods, Esq. I am yours faithfully,

"H. Clay.

"P. S.—You will see in the public prints what I have said, on a late occasion, respecting the preference for Mr. Van Buren, imputed to me.

"H. C."

LETTER FROM HON. MICAJAH WOODS TO THE AUTHOR.

"Charlottesville, Va., *March* 10, 1898.

"*Mrs. Archibald Dixon, Mendham, New Jersey.*

"Dear Madam:—I send you herewith the original letter of Henry Clay to my uncle, Wm. S. Woods, dated 16th July, 1835. It gives most interesting and unpublished details as to the passage of the Missouri Compromise, and is, perhaps, the longest account from the hand of Mr. Clay ever given in private correspondence of his connection with that measure.

"My uncle was a great friend and admirer of Mr. Clay. When a young man, he, with my father, Dr. John R. Woods, of Holkham, in this State, visited Mr. Clay at Ashland. Mr. Clay took a great fancy to my uncle, and said of him that he was the most accomplished young man he had ever met, and he predicted for him a brilliant future; and a regular correspondence was kept up between them.

My uncle, to whom said letter was written, after leaving the University of Virginia, settled at Helena, in Arkansas, where he died of malarial fever in 1836, in the twenty-fifth year of his age.

"You are at liberty to use said letter in your forthcoming work on 'The Missouri Compromise.'

"With great respect, very truly yours,

"Micajah Woods." *

* Mr. Clay's letter would have been lithographed but that it had become so faded as to render its reproduction in *fac-simile* impossible.

"I did not arrive at Washington at that session until January; and when I got here I found both bodies completely paralyzed by the excitement which had been produced in the struggle to admit or exclude Missouri from the Union in consequence of that prohibition."

Mr. Clay then proceeds to give an account of the passage of that Act of 1821, by which Missouri was finally admitted into the Union of the States.

His statement of the facts of the Missouri Compromise Act of 1820, and also of the Act of 1821, accords precisely with the historical account given in the preceding chapters, except that he does not mention the proposal of his colleague, Mr. William Brown, for the repeal of the Act of 1820.

Of the Act of 1821, he says:

"Now, sir, I want to call your attention to this period of our history and to the transactions during the progress of this discussion in Congress. During the discussion in the House from day to day, and from night to night—for they frequently ran into the night—we, who were for admitting Missouri into the Union, said to our brethren from the North, 'Why, gentlemen, if there be any provision in that Constitution of Missouri which is repugnant to the Constitution of the United States, it is a nullity. The Constitution of the United States, by virtue of its own operation, vindicates itself. There is not a tribunal upon earth, if the question should be brought before them, but would pronounce the Constitution of the United States paramount, and must pronounce as invalid any repugnant provision of the Constitution of Missouri.' Sir, that argument was turned and twisted, and used in every possible variety of form, but all was in vain. An inflexible majority stuck out to the last against the admission of Missouri until the resolution was offered and passed.

"But I wish to contrast the plan of accommodation which is proposed by me with that which is offered by the Missouri line, to be extended to the Pacific Ocean,

and to ask gentlemen from the South and from the North, too, which is most proper, which most just, to which is there the least cause of objection? What was done, sir, by the Missouri line? Slavery was positively interdicted north of that line. The question of the admission or exclusion of slavery south of that line was not settled. There was no provision that slavery should be admitted south of that line. In point of fact, it existed there. In all the territory south of 36° 30′, embraced in Arkansas and Louisiana, slavery was then existing. It was not necessary, it is true, to insert a clause admitting slavery at that time. But, if there is a power to interdict, there is a power to admit; and I put it to gentlemen from the South, are they prepared to be satisfied with the line of 36° 30′, interdicting slavery north of that line, and giving them no security for the admission of slavery south of that line? The Senator from Mississippi, Mr. Davis, told us the other day that he was not prepared to be satisfied with any thing short of the positive introduction of slavery.

"A Senator: Recognition.

"Mr. Clay: A positive recognition of slavery south of the line of 36° 30′. Is there any body that believes that you can get twenty votes in this body, or a proportionate number in the other House, to declare in favor of the recognition of slavery south of the line of 36° 30′? It is impossible. All that you can get—all that you can expect to get—all that was proposed at the last session—is action north of that line, and non-action as regards slavery south of that line. It is interdiction upon the one side, with no corresponding provision for its admission on the other side of the line of 36° 30′.

"When I came to consider the subject, and to compare the provisions of the line of 36° 30′—the Missouri Compromise line—with the plan which I have proposed for the accommodation of this question, said I to myself, if I offer the line of 36° 30′, to interdict the question of slavery north of it, and to leave it unsettled and open

south of it, I offer that which is illusory to the South—I offer that which will deceive them, if they suppose that slavery will be received south of that line. It is better for them, I said to myself, it is better for the South that there should be non-action as to slavery both north and south of the line—far better that there should be non-action both sides of the line, than that there should be action by the interdiction on the one side, without action for admission upon the other side of the line. Is it not so? What is there gained by the South, if the Missouri line is extended to the Pacific, with the interdiction of slavery north of it? Why, the very argument which has been so often and most seriously urged by the South has been this: we do not want Congress to legislate upon the subject of slavery at all; you ought not to touch it; you have no power over it. I do not concur, as it is well known from what I have said upon that question, in this view of the subject; but that is the Southern argument. We do not want you, say they, to legislate upon the subject of slavery. But, if you adopt the Missouri line and thus interdict slavery north of that line, you do legislate upon the subject of slavery, and you legislate for its restriction without a corresponding equivalent of legislation south of that line for its admission; for I insist, if there be legislation interdicting slavery north of the line, then the principles of equality would require that there should be legislation admitting slavery south of the line.

"I have said that I never could vote for it myself, and I repeat that I never can, and never will vote, and no earthly power ever can make me vote, to spread slavery over territory where it does not exist. Still, if there be a majority who are for interdicting slavery north of the line, there ought to be a majority, if justice is done to the South, to admit slavery south of the line. And, if there be a majority to accomplish both of these purposes, although I can not concur in their action, yet I shall be one of the last to create any disturbance; I shall be

one of the first to acquiesce in that legislation, although it is contrary to my own judgment and to my own conscience.

"I hope, then, to keep the whole of these matters untouched by any legislation of Congress upon the subject of slavery, leaving it open and undecided. Non-action by Congress is best for the South, and best for all the views which the South have disclosed to us from time to time as corresponding to their wishes. I know it has been said with regard to the Territories, and especially has it been said with regard to California, that non-legislation upon the part of Congress implies the same thing as the exclusion of slavery. That we can not help. That, Congress is not responsible for. If nature has pronounced the doom of slavery in these Territories—if she has declared, by her immutable laws, that slavery can not and shall not be introduced there—who can you reproach but nature and nature's God? Congress you can not. Congress abstains. Congress is passive. Congress is non-acting, south and north of the line; or, rather, if Congress agrees to the plan which I propose, extending no line, it leaves the entire theater of the whole of these Territories untouched by legislative enactments, either to exclude or admit slavery. Well, I ask again, if you will listen to the voice of calm and dispassionate reason—I ask of any man of the South to rise and tell me if it is not better for that section of the Union that Congress should remain passive upon both sides of the ideal line, rather than that we should interdict slavery upon the one side of that line and be passive upon the other side of that line?

"If the Union is to be dissolved for any existing causes, it will be dissolved because slavery is interdicted or not allowed to be introduced into the ceded Territories, because slavery is threatened to be abolished in the District of Columbia, and because fugitive slaves are not returned, as in my opinion they ought to be, restored to their masters. These I believe will be the

causes, if there be any causes which can lead to the direful event to which I have referred.

"Well, now, let us suppose that the Union has been dissolved. What remedy does it furnish for the grievances complained of in its united condition? Will you be able to push slavery into the ceded Territories? How are you to do it, supposing the North—all the States north of the Potomac, and which are opposed to it—in possession of the navy and army of the United States? Can you expect, if there is a dissolution of the Union, that you can carry slavery into California and New Mexico? You can not dream of such a purpose. If it were abolished in the District of Columbia, and the Union was dissolved, would the dissolution of the Union restore slavery in the District of Columbia? Are you safer in the recovery of your fugitive slaves in a State of dissolution or of severance of the Union than you are in the Union itself? Why, what is the state of the fact in the Union? You lose some slaves. You recover some others. Let me advert to a fact which I ought to have introduced before, because it is highly creditable to the courts and juries of the free States. In every case, so far as my information extends, where an appeal has been made in the courts of justice for the recovery of fugitives, or for the recovery of penalties inflicted upon persons who have assisted in decoying slaves from their masters, as far as I am informed, the courts have asserted the rights of the owner, and the juries have promptly returned adequate verdicts in favor of the owner. Well, this is some remedy. What would you have if the Union were dissolved? Why, sir, then the severed parts would be independent of each other—foreign countries! Slaves taken from the one into the other would be like slaves now escaping from the United States into Canada. There would be no right of extradition, no right to demand your slaves, no right to appeal to the courts of justice to demand your slaves which escape, or the penalties for decoying them. Where one

slave escapes now by running away from his owner, hundreds and thousands would escape if the Union were severed in parts—I care not where nor how you run the line—if independent sovereignties were established.

"Well, finally, will you in a state of dissolution of the Union be safer with your slaves within the bosom of the States than you are now? Mr. President, that they will escape much more frequently from the border States, no one will doubt.

"But I must take the occasion to say that, in my opinion, there is no right on the part of one or more of the States to secede from the Union. War and the dissolution of the Union are identical and inseparable. There can be no dissolution of the Union, except by consent or by war. No one can expect, in the existing state of things, that that consent would be given, and war is the only alternative by which a dissolution could be accomplished. And, Mr. President, if consent were given, if possibly we were to separate by mutual agreement and by a given line, in less than sixty days after such an agreement had been executed, war would break out between the free and slave-holding portions of this Union, between the two independent portions into which it would be erected in virtue of the act of separation. Yes, sir, sixty days, in less time than sixty days, I believe our slaves from Kentucky would be fleeing over in numbers to the other side of the river, supposing it then to be the line of separation. They would pursue their slaves; they would be repelled, and war would break out; in less than sixty days, war would be blazing forth in every part of this now happy and peaceable land.

"But how are you going to separate them? In my humble opinion, Mr. President, we should begin at least with three Confederacies—the Confederacy of the North, the Confederacy of the Atlantic Southern States (the slave-holding States), and the Confederacy of the Valley of the Mississippi. My life upon it, sir, that

vast population that has already concentrated, and will concentrate, upon the head-waters and tributaries of the Mississippi, will never consent that the mouth of that river shall be held subject to the power of any foreign State whatever. Such would, I believe, be the consequences of a dissolution of the Union. But other Confederacies would spring up, from time to time, as dissatisfaction and discontent were disseminated over the country. There would be the Confederacy of New England and of the Middle States.

"But, sir, the veil which covers these sad and disastrous events that lie beyond a possible rupture of this Union, is too thick to be penetrated or lifted by any mortal eye or hand.

"Mr. President, I am directly opposed to any purpose of secession, of separation. I am for staying within the Union, and defying any portion of this Union to expel or drive me out of the Union. I am for staying within the Union, and fighting for my rights—if necessary with the sword—within the bounds and under the safeguard of the Union. I am for vindicating these rights; and not by being driven out of the Union rashly and unceremoniously by any portion of this Confederacy. Here I am within it, and here I mean to stand and die—as far as my individual purposes or wishes can go—within it to protect myself, and to defy all power upon earth to expel me or drive me from the situation in which I am placed. Will there not be more safety in fighting within the Union than without it?

"Suppose your rights to be violated; suppose wrongs to be done you, aggressions to be perpetrated upon you, can not you better fight and vindicate them, if you have occasion to resort to that last necessity of the sword, within the Union, and with the sympathies of a large portion of the population of the Union of these States differently constituted from you, than you can fight and vindicate your rights, expelled from the Union, and

driven from it without ceremony and without author-ity?

"I said that I thought that there was no right on the part of one or more of the States to secede from this Union. I think that the Constitution of the thirteen States was made, not merely for the generation which then existed, but for posterity, undefined, unlimited, permanent and perpetual—for their posterity, and for every subsequent State which might come into the Union, binding themselves by that indissoluble bond. It is to remain for that posterity now and forever. Like another of the great relations of private life, it was a marriage that no human authority can dissolve or divorce the parties from; and, if I may be allowed to refer to this same example in private life, let us say what man and wife say to each other: 'We have mutual faults; nothing in the form of human beings can be perfect; let us, then, be kind to each other, forbearing, conceding,; let us live in happiness and peace.'

"Mr. President, I have said what I solemnly believe —that the dissolution of the Union and war are identical and inseparable; that they are convertible terms.

"Such a war, too, as that would be, following the dissolution of the Union! . . . I conjure, gentlemen—whether from the South or the North, by all they hold dear in this world—by all their love of liberty—by all their veneration for their ancestors—by all their regard for posterity—by all their gratitude to Him who has bestowed upon them such unnumbered blessings—by all the duties which they owe to mankind, and all the duties they owe to themselves—by all these considerations I implore them to pause—solemnly, to pause—at the edge of the precipice, before the fearful and disastrous leap is taken into the yawning abyss below, which will inevitably lead to certain and irretrievable destruction.

"And finally, Mr. President, I implore, as the best blessing which Heaven can bestow upon me upon earth,

that if the direful and sad event of the dissolution of the Union shall happen, I may not survive to behold the sad and heart-rendering spectacle.''[1]

On the 7th of February, the very next day after the most eloquent appeal for the Union, which seemed to thrill the whole nation, and whilst the magic tones of Mr. Clay's voice still seemed to vibrate on the air and through every patriot heart, Mr. Hale, of New Hampshire, presented a petition for the immediate and peaceful dissolution of the Union, which professed to be from inhabitants of Pennsylvania and Delaware.

Every member of the Senate, North as well as South, appeared to be shocked at such a petition, and voted against its reception, excepting Mr. Seward, Mr. Chase, and Mr. Hale himself, all avowed Abolitionists and Free Soilers. The debate on it was very lively, and exceedingly interesting. Mr. Davis, of Massachusetts, objected to being called on "to destroy that instrument we had sworn to support."[3]

Mr. Davis, of Mississippi said: "Congress has no power to legislate upon that which will be the destruction of the whole foundation upon which their authority rests."[4]

Mr. Webster said:

"I think the substance of this petition is such that, to be appropriate, it should have a preamble in these words:

" 'Gentlemen members of Congress, whereas at the commencement of this session you and each of you took your solemn oaths in the presence of God, and on the Holy Evangelists, that you would support the Constitution of the United States; now, therefore, we pray you to take immediate steps to break up the Union, and overthrow the Constitution of the United States as soon

[1] App. to Cong. Globe, Vol. 22, Part 1, pp. 123–127.
[2] Idem, Vol. 21, Part 1, p. 311. [3] Idem, p. 321. [4] Idem, 322.

as you can. And, as in duty bound, we will ever pray.'

"Mr. Cass: That's first rate.

"Mr. Butler (of South Carolina): I will make but a single remark. It seems to me that this is a petition praying for the right of suicide; presented, I will not say by madmen, but presented by those who, with a torch in their hands, would burn down the temple of the Union, and then preach sermons over it and throw the blame upon others."[1]

Cass and Douglas, Underwood and Dawson, and others, spoke against its reception. Mr. Foote very wittily scored Mr. Hale on his admission that the "anti-slavery agitation was kept up at the North chiefly by political aspirants, in order to secure their own advancement to high places."

Mr. Seward was in favor of receiving the petition. He said: "I have no fear of a dissolution of the Union. I believe that it was not made by madmen, nor can madmen destroy it; and I believe that none but madmen would petition for its dissolution; and my rule always is, with regard to madmen, never to have any controversy with them.

"Mr. Foote: I will offer a single remark. I lament that the honorable Senator from Hampshire, in addition to all the animadversions to which he has been subjected this morning, should have been fated to receive so severe a rebuke as that just administered to him by the honorable Senator from New York (Mr. Seward), between whom and himself such tender ties of affiliation and kindness have heretofore subsisted. The honorable Senator from New York solemnly declares that he regards all such petitioners as those represented on this occasion by the honorable Senator from New Hampshire as madmen. So that, after all, the honorable Senator from New

[1] App. Cong. Globe, Vol. 21, Part 1, p. 331.

Hampshire is to be recognized as the organ, upon this floor, of madmen, for purposes of mischief! *A severer reprimand, coming from such a quarter, could not well be imagined.*"[1]

Mr. Webster and Mr. Davis (of Massachusetts) gave their views and votes, regardless of a large convention of New England abolitionists at Faneuil Hall, a few days previous, when a solemn resolution was adopted, providing for the dissolution of the Union in order to put down slavery.

Gen. Cass said in respect to receiving the petition: "It has been said, sir, and it has been said in reproach, that if we ought not to receive petitions asking us to do an unconstitutional act, we ought not to receive petitions or remonstrances against such an act. I do not so understand our own duties or the rights of the people. There is a great difference between a proposition to do what we have no right to do, and a remonstrance against doing it when there is reason to apprehend it may be done. The one asks us to violate our oaths and the Constitution, the other to recollect the obligations of both. This petition asks us to dissolve the Union. I shall vote for rejecting it; and if there were any other mode by which our indignation at such a wicked and foolish proposition could be more powerfully expressed, I should adopt it with pleasure."[2]

Mr. Hale presented another petition on the 12th of February from the women of Dover, New Hampshire, asking "that slavery may not be extended into the Territories of New Mexico and California," which caused a heated discussion as to its reception.

Mr. Douglas thought it ought to be received, and said: "I have always held, and hold now, that if the people of California want slavery they have a right to it, and if they do not, it should not be forced upon them. They have as much right as the people of Illinois or any other

[1] App. Cong. Globe, Vol. 21, Part 1, p. 323. [2] Idem, p. 331.

State to settle the question for themselves. I go further, and I hold that to prohibit slavery in the Territories, whilst it is a violation of the great fundamental principles of self-government, is no violation of the rights of the Southern States. I go further, that to recognize the institution of slavery in the Territories is no violation of the rights of the Northern States. In that sense, neither have a right there, in my opinion, to do either. Either to prohibit or establish slavery, by an act of Congress, over a people not represented here, is a violation of the rights of the people of California. Their rights are to be affected, their rights are to be violated by an act of Congress, when they are not represented here. Talk to me about the rights of the North, or the rights of the South! Neither has any rights there, as far as the institution of slavery is concerned. Why, sir, the principle of self-government is that each community shall settle this question for itself; and I hold that the people of California have the right either to prohibit or establish slavery, and we have no right to complain, either in the North or the South, whichever they do. I hold that, till they do establish it, the prohibition of slavery, in the Territories which we acquired by treaty, attached to the soil and remained in force. I hold it as a legal proposition. I am ready to maintain it, either on the fundamental principles of law or the authority of the Supreme Court of the United States; as a principle of law and a principle, sir, that, while it may be controverted, can never be overturned. Hence I say that, whilst this petition only asks Congress that slavery shall not be extended to New Mexico and California, the fair interpretation of the petition is that Congress shall pass no law to extend it there, or recognize its existence there. This is a petition for non-action as much as the petition which came from North Carolina the other day, which prayed that the Wilmot proviso should

not be extended there. If one is received, the other should be."[1]

Mr. Davis, of Mississippi, in reply to Douglas' reference to his position taken in a previous speech as to the "extension of the Missouri Compromise line to the Pacific with an express recognition" of slavery south of that line, said: "Our position was from the beginning that the South had a right to go into any Territories belonging to the United States with their slave property. This is a right dependent on their joint ownership; and I then stated—in the spirit of compromise, a desire not to present any extreme claim—that that pretension would be continued, but not insisted on beyond the line of 36° 30′, thus narrowing down the claim which the South had made.

"Nor, sir, was my language susceptible of any such misconstruction as an assertion that it was an irreversible perpetuation of slavery any-where; for every sane man knows that in whatever longitude or latitude in these United States a State may be situated, such sovereign State can decide the matter for itself. A community dependent upon the United States—and of these many such have existed in our history—may not have power to legislate for itself. It is a sovereign State to which I concede that power. The very fact of dependence is against the supposition of such power as is claimed by the Senator from Illinois for territorial communities; while no sane man can deny that it exists in Massachusetts, in Maine, and in hyperborean regions, if we had States there."[2]

We see here the premonition of that division of the Democratic party into North and South, which culminated ten years later in the election of a Republican President and the defeat of the Union Democracy—the surest support of the Constitutional rights of the Southern people. This division arose mainly on the point of

[1] App. Cong. Globe, Vol. 21, p. 343. [2] Idem.

the power of the Territories to make laws for themselves before they became States. This point was elaborated by Mr. Davis, in a speech on Mr. Clay's resolutions, February 14th.

"Mr. Davis: . . . I claim, sir, that slavery being property in the United States, and so recognized by the Constitution, a slave-holder has the right to go with that property into any part of the United States where some sovereign power has not forbidden it. I deny, sir, that this Government has the sovereign power to prohibit it from the Territories. I deny that any territorial community, being a dependence of the United States, has that power, or can prohibit it; and, therefore, my claim presented is this, that the slave-holder has a right to go with his slave into any portion of the United States, except in a State where the fundamental law has forbidden it."

Mr. Davis opposed Mr. Clay's resolutions, but it was done with a courtesy which seems to have been part of his character, and, doubtless, also, of his soldierly training. His colleague, Mr. Foote, did not, however, show the same respectful gentleness which had characterized Mr. Davis' opposition to Mr. Clay's position, and which may, indeed, have resulted, especially from the very kindly personal relations existing between "Old Hal" and the future President of the Southern Confederacy.

In a debate on the reference of the President's message, in regard to California, to the Committee on Territories, and which Mr. Clay advocated, Mr. Foote declares Mr. Clay to be inconsistent, because he had, a few weeks before, offered "a general scheme of pacification and compromise"—and now he proposed that "the admission of California ought to be kept separate and distinct." His reproaches brought Mr. Clay to his feet, in indignant disclaimer.

"Mr. Foote. . . . How is it that he, a Senator from the State of Kentucky, within whose limits the

system of domestic slavery exists, can reconcile it to his own sense of justice to the vital interests of his constituents, at such a moment as this, in view of all the dangers which menace the Southern section of the Confederacy, to increase the number of adversary votes against us on all the pending questions, without first receiving some compensation therefor?

"Mr. Clay. It is totally unnecessary for the gentleman to remind me of my coming from a slave-holding State. I know whence I come, and I know my duty, and I am ready to submit to any responsibility which belongs to me as a Senator from a slave-holding State.

"Sir, I have heard something said on this and on a former occasion about allegiance to the South. I know no South, no North, no East, no West, to which I owe my allegiance. I owe allegiance to two sovereignties, and only two; one is the sovereignty of this Union, and the other is to the sovereignty of the State of Kentucky. My allegiance is to this Union and to my State; but if gentlemen suppose they can exact from me an acknowledgment of allegiance to any ideal or future contemplated confederacy of the South, I here declare that I owe no allegiance to it; nor will I, for one, come under any such allegiance if I can avoid it. I know what my duties are, and gentlemen may cease to remind me of the fact that I come from a slave-holding State.

"Sir, if I choose to avail myself of the opinions of my own State, I can show a resolution from the State Legislature, received last night, reported after due consideration by a committee.

"This resolution declares its cordial sanction to the whole of the series of resolutions which I have offered. And I must say that the preparation of that resolution was unprompted by me; for I have neither written to, nor have I received a single letter from, any member of the Legislature of Kentucky during this session on public affairs. I beg pardon for this digression. These are the sentiments I entertain, and I am neither to be terri-

fied nor frightened by any language. I hope gentlemen will not transcend the limits of legitimate parliamentary debate in using any language towards me; because I fear I could not even trust myself if they were to do it. I shall use no such language towards them, and I hope on this floor for a reciprocity of parliamentary dignity and propriety. I ask it, because I do not know how far I could trust myself if language of a personal character were applied to me, I care not by whom.

"But, sir, I have been showing, and I rose chiefly for the purpose of showing, that there is no inconsistency between any thing I have said heretofore, and what I repeat now is, that all these questions ought to be settled. . . .

"Mr. Foote. . . . The honorable Senator, I conceive, has gone a little out of his way to complain of the severity of the language used by me in the course of this debate. I am sure that I was not aware of being discourteous; I thought, indeed, that I had been quite lavish in commendation. My case is rather a hard one. The honorable Senator from Kentucky complains that I am not sufficiently polite and complaisant; whilst certain much respected Democratic friends of mine have not hesitated to accuse me of being even too deferential to that honorable gentleman, as well as too laudatory of him."[1]

Other Southern men accused Mr. Clay of catering to Northern sentiment, and there were not wanting those, a little later on, who openly declared that he was bidding for the Democratic nomination to the Presidency in 1852. Whilst the Abolitionists abused him without stint, denouncing his resolutions as pro-slavery, and as so unjust to the North that "they could not be accepted by that section of the Union as a compromise."

Mr. Dodge, of Iowa, said of this:

" . . . I confess, Mr. President, when I read

[1] Cong. Globe, Vol. 21, p. 368.

these bitter animadversions from the North and East upon what I regard as the patriotic exertions of the venerable Senator from Kentucky to pour oil upon the troubled waters, and listen here to the merciless denunciations which both he and his resolutions receive from my friend from Mississippi, I could not but feel for the Senator from Kentucky a sympathy which nothing in his past history had awakened in me."[1]

Mr. Foote assented to the injustice done in this instance, but insisted on the evil consequences to the South of Mr. Clay's position on the subject of slavery.

"Mr. Clay: . . . Now I really should be much indebted to the honorable Senator for the sympathy which he felt for me, in respect to the recent attack, which I believe has been in the newspaper which I think has been laid on the tables of all of us. But, sir, I desire the sympathy of no man, the forbearance of no man; I desire to escape from no responsibility of my public conduct on account of my age or for any other cause. I ask for none. I am in a peculiar situation, Mr. President, if you will allow me to say so, without any earthly object before me, standing, as it were, on the brink of eternity, separated to a great extent from all the earthly ties which connect a mortal with his being during this transitory state. I am here expecting soon to go hence, and owing no responsibility but that which I owe to my own conscience and to God. Ready to express my opinions upon all and every subject, I am determined to do so, and no imputation, no threat, no menace, no application of awe or terror to me will be availing in restraining me from expressing them. None, none whatever. The honorable Senator, if he chooses, may deem me an Abolitionist. Be it so. Sir, if there is a well-abused man in this country, if I were to endeavor to find out the man above all others abused by Abolitionists, it is the humble individual now ad-

[1] Cong. Globe, Vol. 21, p. 404.

dressing you. The honorable Senator from Mississippi does not perhaps see these papers as I do; but they all pour out from their vials of wrath bitterness which is perfectly indescribable, and they put epithets into their papers, accompanied with all the billingsgate which they can employ; and, lest I should not see them, they invariably take occasion in these precious instances of traduction to send their papers to me. I wish the honorable Senator from Mississippi, Mr. Foote, could have an opportunity of seeing some of them.

"Mr. Cass: I can give the honorable Senator from Mississippi a bushel of them if he will take the pains to read them; and I must say that the honorable Senator from Kentucky is about the best abused man in all this Union, with perhaps one exception. (Laughter.)

"Mr. Clay: Now, sir, when I brought forth this proposition of mine, which is embraced in these resolutions, I intended, so help me God, to propose a plan of doing equal and impartial justice to the South and to the North so far as I could comprehend it, and I think it does yet. But how has this effort been received by the ultraists? Why, at the North they cry out—and it is not that paper alone to which the honorable Senator from Iowa, Mr. Dodge, refers, but many other papers also—they all cry out, 'It is all concession to the South.' And, sir, what is the language in the South? They say, 'It is all concession to the North.' And I assure you, Mr. President, it has reconciled me very much to my poor efforts, to find that the ultraists on the one hand and on the other equally traduce the scheme I propose, for conceding every thing to their opponents. . . . But, sir, I would ask the honorable Senator from Mississippi if he is conscious of the language which he used? He said, if I understand him aright, that when I addressed the Senate on a former occasion, instead of adhering to the interests of the South, I had gone over to the ranks of the enemy. Enemies! Where have we enemies in this happy and glorious Confederacy? . . .

"I consider us all as one family, all as friends, all as brethren. I consider us all as united in one common destiny; and those efforts which I shall continue to employ will be to keep us together as one family, in concord and harmony, and above all, to avoid that direful day when one part of the Union can speak of the other as an enemy.

"Mr. Foote: I must honestly declare that I will hold no alliance with Abolitionists, with the men who meet at Faneuil Hall and adopt resolutions for the purpose of setting Southern slaves at liberty. I do not recognize them as my brethren or as fellow-citizens. I look upon them as incendiaries, as unprincipled men, and as being only worthy of our reproach. While I am on the floor, I will say that I have no doubt the honorable Senator from Kentucky has been denounced by the Northern press; but, with the exception of the Garrison presses, and those of a similar character, I think the denunciations chiefly come from the sound Democratic press of the North on account of his yielding too much to our Abolition enemies. The organ of the honorable Senator from New York is full of plaudits and commendations. I said that the moral influence used by the honorable Senator from Kentucky was operating against the interests of the South without his intending to produce the mischievous effects which are now arising from it. Sir, it is a fact with the honorable Senator from Kentucky, that when the emancipationists of his State commenced their severe struggle, which was not unmarked with scenes of blood—I repeat it, sir, not unmarked with scenes of blood—they sent out a large number of printed documents for the purpose of upholding their cause, and among them was a speech from the honorable Senator from Kentucky, which was circulated in large numbers throughout the country free of all charge. . . .

"Mr. Butler: . . . I must be permitted to say, that while the honorable Senator from Kentucky may not have intended his proposition to have been a com-

promise, with a view to accommodate Northern sentiment, it has had that effect and has been adopted at the North, with remarkable unanimity, as the basis of the final settlement of the slavery question, and well it may. His resolutions assert what can not be denied to the South, and recognize all that the North ever contended for. . . . The resolutions referred to are not adapted to the danger of the crisis.''[1]

During these entire discussions, Mr. Hale and Mr. Foote indulged in sallies of wit at each other's expense, amusing their brother Senators greatly, and, doubtless, enlivening the dull hours, and lightening the dark clouds of discord that hung so heavy above the political horizon.

[1] Cong. Globe, pp. 404, 405.

CHAPTER XII.

1850—Bell's Resolutions—Foote's Committee of Thirteen—Extract from Mr. Calhoun's last Speech—From Mr. Webster's Eloquent and Celebrated Speech of March 7th—Cass—Douglas—Foote—Mr. Calhoun's Death.

President Taylor was a most superior soldier, and a plain, blunt, honest man; but with no faculty for statesmanship whatever, he found himself between the upper and nether mill-stones of the two sections of his party, and hampered on every side by the opposite pledges that had been made for him by advocates of his election in the two different sections of the country. He appears, however, to have succumbed to some strong influence in favor of the sectional party of the North; and it was this, doubtless, that deprived his administration of much of the support which would, otherwise, have surely been given it.

He was severely catechized by Congress, and in a way which would seem to have been rather disrespectful. He was asked if he had appointed any governor to California—if he had sent any agent there to organize, or advise in organizing a State Government—how the delegates to the Convention, recently held there, were elected—if any census had been taken, and under what law, and by what authority? New Mexico, the same—and also what ground he had for the opinion that New Mexico would soon present herself for admission to the Union.

The President replied January 21, 1850—That he had left the department of California in the hands of the military commander (General Riley) appointed by his predecessor (Mr. Polk); that he had not authorized any agent to interfere with any elections—that while he re-

garded it as his duty to protect the people of the Territories in the formation of their government, yet its plan must be their own choice. That "to assert that they (the people of California) are a conquered people, and must as a State, submit to the will of their conquerors, in this regard (referring to her domestic institutions and meaning slavery), will meet with no cordial response among American freemen." That the territories were to be expected to settle all questions of domestic policy to suit themselves, when they came in as States of the Union—and "no language of menace to restrain them in the exercise of an undoubted right, substantially guaranteed to them by the treaty of cession itself, shall ever be uttered by me. . . . I did not hesitate to express to the people of these Territories my desire that each Territory should form a plan of a State Constitution, and submit the same to Congress with a prayer of admission into the Union as a State," etc.

His opinion as to New Mexico was founded "on unofficial information, which I suppose is common to all who have cared to make inquiries on the subject." So the President, "Old Rough and Ready," as he was called, distinctly announced himself in favor of the principle of non-intervention by Congress as to the States to be formed from the new acquisitions, and also in favor of their being admitted as such, at once, and without any intermediate Territorial organization or pupilage; which admission would, under the circumstances, be equivalent to the utter exclusion of the Southern people from them.

This message of the President, an able and very warily designed paper, of course never originated with him. It would seem, however, very distinctly to bear the mark of that fine "Italian hand" and Machiavelian policy, which, a decade later, sought to govern, and did govern, for a short period, the Administration of 1861. But Mr. Seward was not so well known, in 1850, as he was afterwards, and the authorship of General Taylor's various

State papers was never settled; except that no one believed so much chicanery ever emanated from the straightforward, bold simplicity of the soldier-President.

The message was severely criticized by the opponents of the Anministration; who regarded it as a device to relieve the President from the awkward dilemma in which his election had placed him. They said that it was in order "to avoid the responsibility of deciding the Wilmot Proviso that 'the people of California have been stimulated to form for themselves a State Constitution and are now asking admission into the Union.'" This Constitution prohibited slavery, and the Southern men thought the "California proviso even worse than the 'Wilmot Proviso,'" and declared that the Abolitionists had "deposed their old leaders, Hale, Seward and Giddings," and rallied under the banner of "the hero that never surrenders."[1]

The President, nevertheless, on the 13th of February, sent to the House the "Constitution of the State of California," transmitted to him by Gen. Riley. His opposers, and they were many, insisted that he had "usurped the judicial power and proclaimed the Wilmot Proviso in force in California; and he has again usurped the legislative power to procure its incorporation in the pronunciamento of a revolutionary movement."

About this time, or a little later, the presentation by the Whigs of New York to the President, through Mr. Seward, of a silver curry comb, which was to be used on "old Whitey," the horse ridden by Gen. Taylor through the Mexican war, was made the occasion of many jests and gibes at the expense of the President, both in Congress and out of it.

It was proposed to refer the President's Message and the California Constitution to the Committee on Territories, but Mr. Foote proposed instead a Committee of Thirteen, to consider all questions relating to the subject

[1] Cong. Globe, Vol. 21, p. 339.

"in connection with the subject of domestic slavery," and to report a plan, "if they could do so," for the settlement of the controversy, "and rescue from impending perils the sacred Union itself."[1]

So the message was not referred, but its reference was discussed in the most critical manner. The great objections made to the President's plan of immediate admission being that no law authorizing California to form a State Constitution had ever been passed by Congress; that no Territorial Government had ever been established there; that the people who framed the Constitution were not *inhabitants* in the legal meaning of the word, but Indians, Mexicans, and adventurers from every quarter of the globe; that the whole thing was a plain violation of the Constitution of the United States. The Administration was accused of double dealing, of shunning responsibility, of using concealment, of pursuing a tortuous policy, of trying to dodge the Wilmot Proviso by a course that was even worse because indirect and underhanded. And almost its only supporters were the abolitionized Whigs of the North, into whose toils the President appeared to have fallen, and by whom he had been led into a position which was certainly untenable on any constitutional ground, however it might have been justified by the crying necessity of a government for California, and the failure of Congress to provide it.

February 18th, Hon. John Bell, of Tennessee, a Whig leader of fine character and great ability, offered a series of resolutions, which, after going into the Texas question at some length, resolved:

"6. *Resolved,* That the Constitution recently formed by the people of the western portion of California, and presented to Congress by the President on the 13th of February, 1850, be accepted, and that they be admitted into the Union as a State upon an equal footing in all respects with the original States.

[1] Cong. Globe, Vol. 21, p. 356.

"7. *Resolved*, That in the future the formation of State Constitutions by the inhabitants of the Territories of the United States be regulated by law, and that no such Constitution be hereafter formed or adopted by the inhabitants of any Territory belonging to the United States without the consent and authority of Congress.

"8. *Resolved*, That the inhabitants of any Territory of the United States, when they shall be authorized by Congress to form a State Constitution, shall have the sole and exclusive power to regulate and adjust all questions of internal State policy, of whatever nature they may be, controlled only by the restrictions expressly imposed by the Constitution of the United States.

"9. *Resolved*, That the Committee on Territories be instructed to report a bill in conformity with the spirit and principles of the foregoing resolutions."[1]

There were now before Congress, then, these three plans which claimed their attention—Mr. Bell's, the President's, and Mr. Clay's. There were many other resolutions offered, and every man, nearly, had his plan for settling the difficulty; but these three were the main ones. It is to be observed that they all agreed on one point, California's entrance into the Union without any restriction upon her as to the admission or exclusion of slavery. Thus, with all the differences of opinion in other respects, *non-intervention by Congress with slavery* was the policy advocated by these prominent Whig leaders of Kentucky and Tennessee, and by the Administration as well

Mr. Clay's resolutions were discussed in the Senate day by day, *pro* and *con*, for weeks and months; and amendments to them offered by one and another with no result.

The most memorable speeches of the session, outside of Mr. Clay's, were those of Mr. Calhoun and Webster. Mr. Calhoun was so feeble from illness that he could not

[1] Cong. Globe, Vol. 21, p. 439.

deliver his speech, and it was read for him by Mr. Mason, of Virginia, on the fourth day of March, 1850.

After citing statistics to show that the equilibrium between the Northern and Southern sections had been destroyed, after referring fully and at length to the Abolitionists and their organization in 1835, and saying, "eulogies can not save the Union, nor professions of devotion, however sincere," he goes on—in opposition to the admission of California as a State, on constitutional grounds, and then says:

"Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs, How can the Union be saved? This I answer: There is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the Southern section that they can remain in the Union consistently with their honor and their safety." He concludes thus:

"It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled, it is uncertain whether it can ever hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, can not agree to settle them on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us

from the whole of the acquired Territories, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly.'' [1]

Mr. Calhoun's speech was listened to with the deepest interest, not only as expressing the views of the then acknowledged leader of the Southern section, but as coming from one whose splendid intellect and grand character were already within the shadow of that physical change which we call death; as probably the last utterance of one of our greatest men, and whom all recognized as entirely upright in nature, sincere in conduct, and utterly without fear in whatever action he regarded as just and upright—a man who spoke the truth, the whole truth, and nothing but the truth, as it appeared to him.

In appearance Mr. Calhoun reminded one of the ideal Roman Senator. Tall, spare, majestic in form, his features noble and intellectual, with singular strength of contour; the mouth and chin stern and grim when in repose, but a smile so bright as to change the whole expression of his countenance; whilst his eyes, when he lifted their somber lids, flashed from his dark brows like lightning from a thunder-cloud.

Upon the conclusion of his speech, Mr. Webster, after expressing his gratification at seeing Mr. Calhoun again in his place, and hoping that he would soon be restored to health, gave notice that he would be glad to address the Senate upon the question; and on the 7th of March he made the speech which has been so much quoted, which was so praised and so denounced at the time, and which was one of the most able and powerful appeals for the Union the Senate had ever listened to. It could have been prompted only by a love for country, for jus-

[1] Cong. Globe, Vol. 21, pp. 453, 454.

tice, for the Union; by a desire to avert the danger of the conflict, which even then appeared to be almost inevitable; and was inspired with an eloquence which could only have proceeded from the honest sentiments of the speaker's soul. Extracts from it are given liberally—as the great triumvirate, Clay, Calhoun, and Webster, represented the patriotism of the country as well as its genius—and there needs no apology for the presentation of their utterances. They contain the spirit of the times, and will convey far more of their true history than any mere statements of the writer could possibly do.

"Mr. Webster. . . . Mr. President, I wish to speak to-day, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet removed from its propriety, not lost to a just sense of its own dignity and its own responsibilities, and a body to which the country looks with confidence, for wise, moderate, patriotic and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The East, the West, the North, and the stormy South all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity —not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that, which will keep

me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear, for many days. I speak to-day for the preservation of the Union. Hear me for my cause. I speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich and so dear to us all. . . . These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I desire."

After reviewing the events of the Mexican War, the settlement of California, the failure to establish any territorial government for it, the Constitution now presented, and the early sentiment against slavery in the Colonies, etc., speaking of Texas, he said:

"Sir, there is not so remarkable a chapter in our history of political events, political parties and political men, as is afforded by this measure for the admission of Texas, with this immense territory over which a bird can not fly in a week. (Laughter.) Sir, New England, with some of her votes supported this measure. Three-fourths of the votes of liberty-loving Connecticut went for it in the other House, and one-half here. . . . Sir, that body of Northern and Eastern men, who gave those votes at that time, are now seen taking upon themselves, in the nomenclature of politics, the appellation of the Northern Democracy. They undertook to wield the destinies of this empire—if I may call a republic an empire—and their policy was, and they persisted in it, to bring into this country all the territory they could. They did it under pledges—absolute pledges to the slave interest in the case of Texas, and afterwards they lent their aid in bringing in these new conquests. My honorable friend from Georgia, in March. 1847, moved the

Senate to declare that the war ought not to be prosecuted for acquisition, for conquest, for the dismemberment of Mexico. The same Northern Democracy entirely voted against it. He did not get a vote from them. It suited the views, the patriotism, the elevated sentiments of the Northern Democracy, to bring in a world here, among the mountains and valleys of California and New Mexico, and then quarrel about it—to bring it in and then endeavor to put upon it the saving grace of the Wilmot Proviso.

"Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery can not exist in California or New Mexico. . . . California and New Mexico are Asiatic, in their formation and scenery. They are composed of vast ridges and deep valleys. The sides of these mountains are barren—entirely barren—their tops capped by perpetual snow. There may be in California, now made free by its Constitution—and no doubt there are—some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself, or communicated by others? I have inquired, and read all I could find, in order to obtain information on this important question. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before midsummer is gone. All that people can do, is to raise some little article—some little wheat for their tortillas—and all that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or any thing else, on lands in New Mexico made

fertile only by irrigation? I look upon it therefore as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free —so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time—free by the arrangement of things by the power above us.

"I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live there, by as irrepealable, and a more irrepealable, law than the law which attaches to the right of holding slaves in Texas; and I will say further, that if a resolution, or a law, were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the Territory; and I would not take pains to re-affirm an ordinance of nature, nor to re-enact the will of God. And I would put in no Wilmot Proviso, for the purpose of a taunt or a reproach. . . .

"Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and the South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, subdue the sense of fraternal connection and patriotic love and mutual regard. I shall bestow a little attention, sir, upon these various grievances, produced on the one side and on the other. . . . But I will state these complaints, especially one complaint of the South, which has, in my opinion, just foundation; and that is, that there has been found at the North a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right and the North is wrong. Every member of every Northern Legislature is

bound by oath, like every other officer in the country, to support the Constitution of the United States; and this article of the Constitution, which says to these States, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfills his duty in any Legislature who sets himself to find excuses, evasions, escapes from his constitutional obligations. I have always thought that the Constitution addressed itself to the Legislatures of the States themselves, or to the States themselves. It says, that those persons escaping to other States shall be delivered up, and I confess that I have always been of the opinion that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and becoming therefore within the jurisdiction of that State, shall be delivered up, it seems to me that the import of the passage is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up, was a power to be exercised under the authority of this Government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations and the solemnity of judicial decisions. But, as it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject, now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the North, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional

obligations. I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience. What right have they, in all their legislative capacity, or any other, to endeavor to get around this Constitution, to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. . . . Therefore I repeat, sir, that here is a ground of complaint against the North, well founded, which ought to be removed—which it is now in the power of the different departments of this Government to remove—which calls for the enactment of proper laws, authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on this subject and when I speak here, I desire to speak to the whole North—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty.

"Then, sir, there are those Abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. . . . Sir, as I have said, I know many Abolitionists in my own neighborhood, very honest, good people, misled, as I think, by strange enthusiasm; but they wish to do something, and they are called on to contribute: and it is my firm opinion this day, that within the last twenty years as much money has been collected and paid to the Abolition societies as would purchase the freedom of every slave, man, woman, and child in the State of Maryland, and send them all to Liberia. I have no doubt of it. But I have yet to learn

that the benevolence of these Abolition societies has taken that particular turn. (Laughter.)

"Again, sir, the violence of the press is complained of. The press violent! Why, sir, the press is violent every-where. There are outrageous reproaches in the North against the South, and there are reproaches in not much better taste in the South against the North. Sir, the extremists of both parts of this country are violent; they mistake loud and violent talk for eloquence and for reason. They think that he who talks loudest, reasons the best. And this we must expect, when the press is free, as it is here—and I trust will always be—for, with all its licentiousness, and all its evil, the entire and absolute freedom of the press is essential to the preservation of the Government, on the basis of a free constitution. Wherever it exists, there will be foolish paragraphs in the press, as I am sorry to say, foolish speeches and violent speeches in both Houses of Congress. In truth, sir, I must say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted, by the style of our congressional debates. (Laughter.) And if it were possible for our debates in Congress to vitiate the principles of the people as much as they have depraved their taste, I should cry out, 'God save the Republic.' . . .

"There are also complaints of the North against the South. . . . Well, then, passing from that, every body in the North reads, and every body reads whatsoever the newspapers contain; and the newspapers, some of them—especially those presses to which I have alluded—are careful to spread about among the people every reproachful sentiment uttered by any Southern man bearing at all against the North—every thing that is calculated to exasperate, to alienate; and there are many such things, as every body will admit from the South, or some portion of it, which are spread abroad among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon

the public mind at the North. Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman, nor a gentleman who would be more slow to give offense. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference in all points of condition, and comfort, and happiness, to the slaves of the South. The honorable member doubtless did not suppose that he gave any offense, or did any injustice. But does he know how remarks of that sort will be received by laboring people of the North? Why, who are the laboring people of the North? They are the North. They are the people who cultivate their own farms with their own hands—freeholders, educated men, independent men. Let me say, sir, that five-sixths of the whole property of the North is in the hands of laborers of the North, they cultivate their farms, they educate their children, they provide the means of independence: if they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds; and small capitalists are created. That is the case, and such the course of things, with us, among the industrial and frugal. And what can these people think when so respectable and worthy a gentleman as the member from Louisiana undertakes to prove that the absolute ignorance, and the abject slavery of the South, is more in conformity with the high purposes and destinies of immortal, rational human beings, than the educated, the independent free laborers of the North?

"There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North generally as cooks or stewards. When the vessel arrives, these free colored men are taken on shore by the police or municipal au-

thority, imprisoned, and kept in prison till the vessel is again ready to sail. This is not only irritating, but exceedingly inconvenient in practice, and seems altogether unjustifiable and oppressive. . . .

"Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word secession, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg every body's pardon—as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around a common center, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres and jostle against each other in the realms of space without producing the crash of the universe. There can be no such thing as peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here, covering this whole country, is it to be thawed and melted away by secession as the snows on the mountain melt under the influence of a vernal sun, disappear almost unobserved, and die off? No, sir! No, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe in its two-fold characters.

"Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great

Republic to be separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn! What States are to secede? What is to remain American? What am I to be, an American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower? Or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors, our fathers and our grandfathers, those of them that are yet living among us with prolonged lives, would rebuke and reproach us, and our children and our grandchildren would cry out, Shame upon us! if we, of this generation, should dishonor these ensigns of the power of the Government and the harmony of the Union, which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly, there is to be a Southern Confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation, including the slave States upon one side, and the free States on the other. Sir, there is not—I may express myself too strongly, perhaps—but some things, some moral things, are almost as impossible as other natural or physical things; and I hold the idea of a separation of these States—those that are free to form one government and those that are slave-holding to form another—as a moral impossibility. We could not separate the States by any such line if we were to draw it. We could not sit down here to-day and draw a line of a separation that would satisfy any five men in the country.

There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break, if we would, and which we should not, if we could. Sir, nobody can look over the face of this country at the present moment—nobody can see where its population is the most dense and growing—without being ready to admit, and compelled to admit, that ere long America will be in the valley of the Mississippi.

"Well, now, sir, I beg to inquire what the wildest enthusiast has to say, on the possibility of cutting off that river, and leaving free States at its source and its branches, and slave States down near its mouth? Pray, sir—pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio; can any body suppose that this population can be severed by a line that divides them from the territory of a foreign and an alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What will become of Missouri? Will she join the arrondissement of the slave States? Shall the man from the Yellowstone and the Platte be connected in the new Republic with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it—I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up! to break up this great government! to dismember this great country! to astonish Europe with an act of folly, such as Europe for two centuries has never beheld in any government! No, sir! no, sir! There will be no secession. Gentlemen are not serious when they talk of secession. . . .

"And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in

these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of the day; let us enjoy the fresh air of liberty and union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve, on any generation of men, higher trusts than now devolve upon us for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest, and the brightest link, in that golden chain which is destined, I fully believe, to grapple the people of all the States to this Constitution, for ages to come. It is a great popular Constitutional Government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of despotic power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. It has received a vast addition of territory. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:

"'Now the broad shield complete, the artist crowned
With his last hand, and poured the ocean round;
In living silver seemed the waves to roll,
And beat the buckler's verge, and bound the whole.'"[1]

On the 11th, Mr. Seward addressed the Senate in behalf of the President's message, and some extracts from his speech are given as germane to the history of the period:

"But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. . . .

"And now, the simple, bold and even awful question which presents itself to us, is this: shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust—shall we establish human bondage, or permit it by our sufferance, to be established? . . .

"Sir, the slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It can not well go too fast, or too far, if the only alternative is a war of races.

"But it can not go too fast. Slavery has a reliable and accommodating ally in a party in the free States, which, though it claims to be and doubtless is, in many respects, a party of progress, finds its sole security for its political power in the support and aid of slavery in the slave States. . . .

"There remains one more guaranty, one that has seldom failed you, and will seldom fail you hereafter.

[1] App. Cong. Globe, Vol. 22, pp. 269–276.

New States cling in closer alliance than older ones, to the federal power. The concentration of the slave power enables you, for long periods, to control the Federal Government, with the aid of the new States. I do not know the sentiments of the Representatives of California, but my word for it, if they should be admitted on this floor to-day, against your most obstinate opposition, they would, on all questions really affecting your interests, be found at your side.

"With these alliances to break the force of emancipation, there will be no disunion and no secession. . . .

"Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly can not their patriotism; but indulging in no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications and without compromise."[1]

March 13th, Mr. Foote proposed to refer Mr. Bell's resolution to a select Committee of Thirteen, as a basis of adjustment of all the pending questions. While this was under consideration, General Cass said:

"On this subject, sir, I agree precisely with what was said by the distinguished Senator from Kentucky (Mr. Clay). I shall vote for the reference. I should vote for almost any proposition that had the appearance of bringing this country into harmony upon this perplexing question—almost any proposition that may be submitted, that has even the appearance of such a result. . . .

"But, however this proposition may terminate, I think the country is under lasting obligations to the Senator from Mississippi for his efforts to terminate the existing difficulties. While he has proved himself true to his own section of the country, he has proved himself true to the whole country. He has stood up manfully for the rights of the South, but he has stood up, also, for the obligations of the Constitution. . . .

[1] App. Cong. Globe, Vol. 22, pp. 265, 268.

"I listened, Mr. President, with great regret, to the speech of the distinguished Senator from South Carolina (Mr. Calhoun). I am not going to criticize it—my great respect for that gentleman will prevent me from doing so. I will merely say that there was a strange collection of facts, as well as a strange collocation of them, and that these were followed by strange conclusions. I think, Mr. President, I may say, and I imagine this feeling is general in the Senate, that a somber hue pervaded his whole speech, in consequence of its being prepared in the recesses of a sick chamber. Had he been able to walk abroad in the light of Heaven, and felt the breezes blowing upon him, I am sure his remarks would not have been as gloomy, nor the results as desponding. We have all felt this, sir, and know how to sympathize with him. . . .

"We have been three months here, and what have we done? Nothing. We have not passed a single law of the least national importance. We have occupied the whole time by the discussion of this question, and no practical result has been attained; and present appearances do not indicate that such a result is near. But, though we have done nothing, we have ascertained that some things can not be done. We have ascertained (I think I may say with certainty) that no Wilmot Proviso can be passed through this Congress. That measure is dead. It is the latest, and I hope it is the last, attempt that will be made to interfere with the right of self-government within the limits of this Republic. I think we may also say, that no Missouri Compromise line can pass, and that no one expects or desires that it should pass.

"Mr. President, what was the compromise line? Allow me to read the law which established it:

" 'Sec. 8. And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act,

slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited.'

"Now, sir, what is that provision? It is intervention north of the line of 36° 30′, and non-intervention south of that line. Why, sir, there is not one Southern Senator on this floor, and not one Southern member of the other House, nor indeed a Southern man who understands the subject, who would accept that line as a proper settlement of this question.

"Mr. Foote (in his seat): I would not.

"Mr. Cass: Why, sir, the whole doctrine of equal rights and of non-intervention is taken away by it at once. Why, sir, putting out of view the constitutional objections to such an arrangement, it gives the South nothing, while it prohibits the people north of 36° 30′ from exercising their own will upon the subject. The true doctrine of non-intervention leaves the whole question to the people, and does not divide their right of decision by a parallel of latitude. If they choose to have slavery north of that line, they can have it.

"Mr. Foote: Permit me freely to say, that I would no sooner vote for a Southern Wilmot Proviso than I would for a Northern one. I rely, and am content to rely, upon the Constitution. I was not convinced by the argument of the Senator from South Carolina, of the necessity or expediency of going further than that. I rely, with entire confidence, upon our rights under the Constitution and the treaty by which the Territories were acquired. I ask for no legislation upon the subject, but simply that the whole matter be let alone. I ask nothing but the doctrine of non-intervention.

"Mr. Cass: If I understood the Senator from New York (Mr. Seward), he intimated his belief that it was immoral to carry into effect the provision of the Constitution for the recapture of fugitive slaves. That, sir, is a very strange view of the duties of a Senator in this

body. No man should come here who believes ours is an immoral Constitution; no man should come here, and, by the solemn sanction of an oath, promise to support an immoral Constitution. No man is compelled to take an oath to support it. He may live in this country and believe what he chooses in regard to the Constitution; but he has no right, as an honest man, to seek office, and obtain it, and then talk about its being so immoral that he can not fulfill its obligations. It is the duty of every man, who has sworn to support the Constitution, fairly to carry its provisions into effect; and no man can stand up before his fellow-citizens and maintain any other doctrine, whatever reasons he may urge in his vindication. . . ."[1]

Later in the day, Mr. Foote and Mr. Calhoun were engaged in a sort of conversational controversy.

"Mr. Calhoun: The Senator complains that I did not consult him upon my speech. Well, sir, I never did consult any man upon any speech I ever made. I make my speeches for myself. When my friends called upon me in my room, I would propose some interrogatories to them; but I did not suppose that I could not come up here to express my individual feelings without the consent of the Senator from Mississippi. . . . Well, sir, I think the Senator from Mississippi is the last man to complain of not being consulted.

"Mr. Foote (in his seat): Never, sir; never.

"Mr. Calhoun: He makes movements in which he does not ask the assistance of all his friends. He says he knows the opinions of all the Senators upon this floor, except two or three. But I say to him that I know, on the contrary, five or six who differ from him.

"Mr. Foote (in his seat): I said that I knew the opinions of most of them; but I know that they do not all agree with me—twenty-two voted against me

[1] Cong. Globe, Vol. 21, pp. 217, 218.

yesterday, and I knew from that they did not agree with me.

"Mr. Calhoun: He is far more familiar in his social intercourse with the Senators, in his habit of consulting them, than I am.

"Mr. Foote (in his seat): I am on good terms with every body.

"Mr. Calhoun: I am not. I will not be on good terms with those who wish to cut my throat. The honorable Senator from New York justifies the North in treachery. I am not the man to hold social intercourse with such as these.

"Mr. Foote (in his seat): I think he (Mr. Seward) will have to be given up.

"Mr. Calhoun: I recognize them as Senators—say good morning and shake hands with them—but that is the extent of my intercourse with those who I think are endangering the Union."[1]

And these were the last words recorded as being spoken by John C. Calhoun on the floor of the Senate, an indignant disclaimer of any social or friendly intercourse with those who were, in his opinion, "endangering the Union."

On the same day, Mr. Douglas spoke on the admission of California as recommended in the message of the President. His speech also throws a good deal of light on the inner history of the times, on the motives of the actors. Of the Whigs, he says: ". . . They were in a woful, pitiful minority. Having rendered themselves odious to the people, by taking sides with the enemy in a state of war, they were anxious to retrieve their political fortunes and to be returned to power. This could not be done by open and direct means. It required equivocation and indirection. The first step was to select a man who had endeared himself to the people by his services in prosecuting the war, as the

[1] Cong. Globe, Vol. 21, p. 520.

presidential candidate of the anti-war party. . . . Then the slavery agitation was to be kept up, and fomented and stimulated to the highest pitch of phrensied excitement. Gen. Taylor was to withhold his opinions and to maintain a death-like silence upon it, whilst his partisans were to represent him to the people, in each section of the Union, as holding opinions in accordance with the prevailing sentiment in that section. At the North, he was represented as being sufficiently orthodox upon free soilism, being ready, cheerfully and cordially, to give his approval to the Wilmot Proviso, while at the South he was represented as being devotedly attached to their peculiar institutions by all the ties of nativity, of habit, association, and interest. Thus the friends of Gen. Taylor succeeded in making the people believe in each section that his opinions and pinciples harmonized with their own.

"And here I will note a remark of the Senator from New York, Mr. Seward, in his speech delivered a few days since. He went out of his way to get an opportunity of bearing his individual testimony to the fidelity of the Northern Democracy to what he and his friends are pleased to call the slave interest. He assured the Southern Senators that the Democracy of the North were, and ever had been, the faithful and reliable allies of the slave power under all circumstances and in every emergency. His kindness in this respect is fully appreciated. His motive is not difficult to comprehend. It was necessary for him to say thus much, in order that his speech might appear to be consistent with his representations to the people during the presidential canvass. Did he not support the election of Gen. Taylor? I will now ask the Senator from New York if the people of that State could ever have been induced to vote for Gen. Taylor if they had not been made to believe that he would have approved the proviso?

"Mr. Seward: I think not. I think, undoubtedly, the result would have been otherwise.

"Mr. Douglas: . . . The members of the Legislature were elected on the same day, and the same influences which secured the electoral vote to Gen. Taylor gave the Whigs a majority in the Legislature, and that majority elected the gentleman (Mr. Seward) a member of this body. He, too, therefore, is now enjoying the substantial results of that system of double-dealing and deception which was practiced upon the people of New York, with the view of placing Gen. Taylor in the Presidential chair, and himself in the Senate of the United States. Under these circumstances, I submit whether it would not have been more becoming in that Senator to have vindicated himself against the injurious inferences that are likely to be drawn from these facts than to have attempted to fix odium and prejudice upon the Northern Democracy, by representing them as the faithful ally of the slave power? It looks as if this unfounded charge against the Democratic party was got up for the purpose of diverting public attention from his own conduct. He may have peculiar reasons for wishing to avoid too rigid a scrutiny into the terms of the alliance between him and the administration, and especially the means by which both were elected to power, and the mode in which patronage and spoils have been distributed."[1] . . . Of California:

"The question is already settled, so far as slavery is concerned. The country is now free by law and in fact—it is free according to those laws of nature and of God, to which the Senator from Massachusetts alluded, and must forever remain free. It will be free under any bill you may pass, or without any bill at all. It would have been free under all or either of the bills that have ever been proposed—under a territorial bill with or without the prohibition; under the Clayton bill, or the State bill, or even under the no bill at all recommended by the administration, which is the worst of all, because it con-

[1] Cong. Globe, Vol. 21, p. 367.

tains all the elements of mischief, without one of the advantages of either of the other propositions. I can not conceive that there is a man in the Senate who believes that the result would not be precisely the same, so far as it relates to slavery under each, either, or neither of these various propositions. Why, then, can we not settle the question? For the most difficult of all reasons—pride of opinion is involved. It requires but little moral courage to act firmly and resolutely in the support of previously-expressed opinions. Pride of character, self-love, the strongest passions of the human heart, all impel a man forward and onward. But, when he is called upon to review his former opinions, to confess and abandon his errors, to sacrifice his pride to his conscience, it requires the exercise of the highest qualities of our nature—the exertion of a moral courage which elevates a man almost above humanity itself. A brilliant example of this may be found in the recent speech of the distinguished Senator from Massachusetts, always excepting that portion relating to the Northern Democracy. This pride of opinion is all that stands in the way of a speedy, harmonious, and satisfactory adjustment of this vexed question.

". . . But I assert it as an incontrovertible axiom in political science, that all men are entitled to a government of some kind. If any one of the crowned heads of Europe chooses to withdraw for a time his authority and protection from any one of his provinces or dependencies, the very act of such withdrawal authorizes his subjects, thus deprived of government, to institute one for themselves, to continue in operation until he shall resume his authority, and again extend his protection to them. If this principle is acknowledged in all arbitrary and despotic governments, who is prepared to resist its application to a country whose institutions are all predicated upon the maxim that the people are the legitimate source of all political power?

"Mr. President, it was my desire to have said some-

thing of the resolutions introduced by the distinguished and venerable Senator from Kentucky (Mr. Clay); but I find I have trespassed to long upon your kindness. I can not do less, however, in justice to my own feelings, than to declare that this nation owes him a debt of gratitude for his services to the cause of the Union on this occasion. I care not whether you agree with him in all that he has proposed and said, you can not doubt the purity of the motives, and the self-sacrificing spirit which prompted him to exhibit the matchless moral courage of standing undaunted between the two great hostile factions, and rebuking the violence and excesses of each, and pointing out their respective errors, in a spirit of kindness, moderation and firmness, which made them conscious that he was right; and all this with an impartiality so exact, that you could not have told to which section of the Union he belonged. He set the ball in motion which is to restore peace and harmony to the Union. He was the pioneer in the glorious cause, and set a noble example, which many others are nobly imitating. The tide has already been checked and turned back. The excitement is subsiding, and reason resuming its supremacy. The question is rapidly settling itself, in spite of the efforts of the extremes at both ends of the Union to keep up the agitation. The people of the whole country, North and South, are beginning to see that there is nothing in this controversy, which seriously affects the interests, invades the rights, or impugns the honor of any section or State of the Confederacy. They will not consent that this question shall be kept open for the benefit of politicians, who are endeavoring to organize parties on geographical lines. The people will not sanction any such movement. They know its tendencies and its danger. The Union will not be put in peril; California will be admitted; governments for the Territories must be established; and thus the controversy will end, and I trust forever.'' [1]

[1] Cong. Globe, Vol. 21, pages 372–5.

On the 31st of March, Mr. Calhoun passed away from the scenes in which he had borne such an active part for so many years.[1]

Many tributes were paid to the virtues and talents of this great man, but none more just than that of his great contemporary, Daniel Webster.

"Mr. Webster: Mr. President, he had the basis, the indispensable basis, of all high character; and that was unspotted integrity—unimpeached honor and character. If he had aspirations, they were high and honorable and noble. There was nothing groveling, or low, or meanly selfish, that came near the head or the heart of Mr. Calhoun. . . . We shall hereafter, I am sure, indulge in a grateful recollection that we have lived in his age; that we have been his contemporaries; that we have seen him and heard him and known him. We shall delight to speak of him to those who are rising up to fill our places. And, when the time shall come that we ourselves shall go, one after another, in succession, to our graves, we shall carry with us a deep sense of his genius and character, his honor and integrity, his amiable deportment in private life, and the purity of his exalted patriotism."[2]

[1] Con. Globe, p. 6220.

[2] Cong. Globe, p. 625.

CHAPTER XIII.

1850—Petition to arm slaves presented by Mr. Seward—Rejected by Senate—Identity of position of Clay and Douglas on Non-Intervention—Douglas author of the bills known as the "Compromise of 1850," advocated by Mr. Clay, and commonly attributed to him—Mr. Clay's arraignment of the President—Mr. Bell's defense of him—Death of President Taylor.

The first of April had come and gone, and yet nothing had been effected towards giving government to the newly acquired Mexican territories. The Northern extremists would listen to nothing short of an absolute prohibition of slavery in them by Congress. The Southern extremists would agree to nothing less than a guarantee of protection for their slave property by Congress, should they choose to carry it into these territories. Whilst the moderate men of both parties, Whigs and Democrats alike, contended that it was best to leave the whole matter to the decision of the people of the Territories themselves, and to the Supreme Court for adjudication.

But neither Mr. Clay's resolution, nor the President's proposition, nor yet Mr. Bell's resolutions, could carry a majority in the Senate; and still graver apprehensions were felt as to the House.

Human nature, as usual, had the best of it—crimination and recrimination without end. It is a singular thing, however, that, in all these discussions, every Northern man who alluded to the subject at all, entirely ignored the fact that the three New England States had entered into a "bargain"—(General Washington's own word)—with the two Southern ones, by which the slave trade was permitted for twenty years; through which continuance the number of slaves had so greatly increased as to render their removal almost an impossibility, and

their restoration to freedom a most fearful disaster to the Southern country in its immediate effects. The Northern men claimed that South Carolina and Georgia had declined to enter the Union unless they might continue to import slaves, and *therefore* there was a compromise made by which they were given that permission; but never was a word said of the *fact*, that, *but for the bargain aforesaid*, by which New England gained *her* point as to the two-thirds vote, and *for which consideration* she gave her votes and influence in favor of the slave trade, the "compromise" could never have been accomplished.

On the 8th of April, Mr. Seward presented a petition from the citizens of Ontario, New York, asking "the passage of a law for the enrollment of the militia of all the States, which shall include all classes of persons, without any distinction of color or condition."[1]

This open proposition to arm the slaves of the South called forth the most indignant remonstrance from Mr. Clay—as also from Messrs. Butler, Rusk and Foote:

"Mr. Clay: I can not allow this occasion to pass without calling to the attention of the Senate a fact connected with most of these petitions. Sir, the moment a prospect opens in this unhappy country of settling our differences, these disturbers of the peace, these abolitionists, put themselves in motion—the Jays, the Phillipses, and others in other quarters—and they establish a concentrated and ramified plan of operations. . . .

"I will move then to take up the petition on the subject of the enrollment of the slaves of this country in the militia, for the purpose of making a motion, and without further argument upon the subject invite the Senate to act upon it; expressing a hope, and I shall call for the yeas and nays for that purpose, that this petition will be rejected by the decisive, and indignant, and unanimous vote of the whole body. I move you, sir,

[1] Cong. Globe, Vol. 21, p. 655.

to take up the petition, and I will then move to reject the prayer of the petition, and call for the yeas and nays. . . .

"Mr. Seward: . . . The fact of the presentation of this petition by myself has drawn down upon me severe censure. . . . I shall not shrink from the performance of what is my duty, under any circumstances of censure. . . . I am in favor, as I have said, of the emancipation of the slaves of this country, and in all countries; but, as I have said before, I am in favor of obtaining that object only by peaceful, lawful and constitutional means; and where the Constitution interdicts, there I stop. . . .

"And now, whatever may be intended for me, here or elsewhere, I beg honorable Senators to understand this as the rule of my conduct for the future. I shall never assail the motives of any member of this body. I shall never defend myself against any imputation of motives made against me. If such imputations are made, in whatever shape they may come, as they have done in various shapes here, I shall pass them by in silence. . . . I have never retorted or retaliated; I never shall.

"Mr. Clay: I rise to say a single word, and that is to express a hope that there will be no further discussion, but that the vote will be taken in the manner I have suggested, with a solemnity and unanimity which I am sure will have a good effect. The petition, be it remembered, has been received. There can, therefore, be no reproach against the Senate for not receiving it. The question now is, shall its prayer be granted? And that prayer is to do what no man can conceive or dream of without horror or dismay. The proposition is to embody every slave in the United States in the militia of the United States. Sir, I trust honorable Senators are prepared to vote upon this question. The Senator who sits near me (Mr. Seward) has in a very calm, orderly manner, expressed his views. Though we may not agree

with him, let us say nothing more, but go to the vote, and vote, by a singular instance of unanimity and decision, against the abominable prayer of the petition.

"The motion was put from the chair, and the yeas and nays having been taken, resulted as follows: Yeas, 48; nays, none.

"So the motion was unanimously adopted."[1]

Mr. Seward's declaration here of his views as to the Constitution are decidedly inconsistent with his higher law doctrine, so openly and loudly proclaimed at other times; but his assumption of the martyr's role, in his declared purpose to listen without reply to the reproaches and condemnation that might be heaped upon him by his justly incensed countrymen, was kept up by him through all the years until the breaking out of the civil war, which gave him ample opportunity to "retaliate" for all the "imputation of motives" made against him; nor did he neglect the opportunity. The ringing of his "little bell" became notorious as his boasted instrument in the arrest of American citizens, some of them certainly most devoted to the Union, and guilty of no offense known to the law[2]—their only crime consisting in "imputations" made against Mr. Seward, who became, for the time being, an "alien and sedition" law unto himself.

Mr. Clay's resolutions were opposed by the Abolition Whigs and Democratic Free Soilers as granting too much to the South—by the Southern ultraists as yielding every thing to the North—by the Democracy, because Mr. Clay was a Whig—and by the Administration party, because of Mr. Clay's well-known hostility to the Administration, and because the Administration was equally hostile to Mr. Clay.

[1] Cong. Globe, Vol. 21, pp. 684–6.

[2] Notably Gov. Morehead, of Kentucky, whose most unjustifiable arrest and imprisonment alienated some of the warmest Union men of the State from their support of Mr. Lincoln's administration, which they had hitherto sustained.—AUTHOR.

Gen. Taylor's plan was held up to public derision by Mr. Clay; the majority of both Houses was against it; it had very few advocates among the Southern members, either Whig or Democratic; the Northern Democracy went solidly against it, whilst the conservative Northern Whigs were all in favor of Mr. Clay's resolutions—as were the majority of the Whigs of his own State. So the Administration had only a very scattered individual support outside of the Abolitionized Whigs of the North, and it was probably the hostility of these Abolition Whigs to Mr. Clay that first drew the President into sympathy with them—as there is no principle in human nature better established than this—that a mutual dislike for the same thing or person will bring together, as friends, even the most bitter enemies—and the antagonism between the President and Mr. Clay was well known to exist, and to have arisen out of the contest for nomination to the Presidency in 1848—the result of which Mr. Clay never forgave; whilst Gen. Taylor resented most deeply Mr. Clay's open criticism on his lack of statesmanship.

Mr. Foote's Committee of Thirteen had not yet materialized.

Judge Douglas, Chairman of the Committee on Territories, had reported several bills relating to the establishment of government in the Territories, and the admission of California. But the Senate had declined to refer the subject to the Committee on Territories, the Chairman, Douglas, himself, voting nay; and, on April 17th, proceeded to consider the reference of both Mr. Bell's and Mr. Clay's resolutions to a select committee of thirteen, with instructions to exert themselves for the purpose of "a scheme of compromise for the adjustment of all pending questions growing out of the institution of slavery, with power to report by bill, or otherwise." [1]

[1] Cong. Globe, p. 662.

Mr. Benton offered a series of amendments to this resolution of Mr. Foote in shape of instructions to the committee and favoring abolition—they were seventeen in number and were all voted down. Mr. Clay wanted no restrictive instructions given, and it was decided to give none.

Mr. Hale proposed that "all petitions and remonstrances received this session on the subjects mentioned in the resolutions of the Senator from Kentucky (Mr. Clay) and the Senator from Tennessee (Mr. Bell), referred to a select Committee of Thirteen, be taken from the table and referred to the same committee."[1]

Mr. Clay advocated the reference of these petitions.

"Mr. Clay: . . . I want no man to go home and endeavor to excite the people by using such language as this;

" 'Your petitions were treated with the utmost indignity. They were laid on the table, unread, unconsidered; and when I proposed to refer them to the committee to which all the subject-matter of the petitions were referred, and with which, therefore they had a necessary connection, even that was opposed.'

"I am no great hand at making a stump speech, but I think I could take up that theme in such a way as to exasperate and excite the populace. . . ."

The chair, however, decided that Mr. Hale's motion was out of order. And the Senate then decided to adopt the resolution to refer Mr. Clay's and Mr. Bell's resolutions to a select Committee of Thirteen, but ignoring any reference to the President's message.

The Committee was chosen by ballot, and was composed of six members from the North—Messrs. Bright, Cass, Cooper, Dickinson, Phelps and Webster; and six from the South—Messrs. Bell, Berrien, Downs, King, Mason and Mangum; with Henry Clay as chairman.[2]

Mr. Clay and Mr. Douglas agreed that Douglas's bill

[1] Cong. Globe, p. 773. [2] Cong. Globe, Vol. 21, p. 780.

for the admission of California might be taken up and discussed, but not urged to a vote, in the absence of members of the Committee who had been appointed to accompany "the remains of our late lamented colleague," Mr. Calhoun.

On the 22d, the bill for the admission of California, as reported by Judge Douglas, was the special order of the day. Attention is called to the statements made by Mr. Clay in the extracts from the proceedings herewith given.

"Mr. Butler: Mr. President, I do not rise to discuss the subject, but I do rise to express my surprise that the California bill is to be taken up and discussed in the Senate, whilst all other matters in relation to slavery, and the admission of California herself, have been referred to a Committee of Thirteen. The great end of that Committee will be defeated if this course of proceeding shall be taken. I acquiesced in the raising of that Committee, and would carry out every pledge which was implied in my support of it. But I undertake to say that, if this course of proceeding be taken, those who are running the race for California will find themselves mistaken, and I say to California, '*sat cito si sat tuto.*'

"Mr. Clay: Mr. President, the Senator from Illinois has moved to take up the California bill, but my friend from South Carolina is mistaken if he supposed that that bill, standing by itself and alone, is to pass this Senate without a struggle, and, I trust, a successful one. I have got amendments now in my hand, attaching to it the territorial bills, whenever the proper time may arise to present them. I have also prepared amendments providing for the settlement of the Texas boundary question, which I may, or may not, think proper to offer. But, beyond all doubt, I shall move to amend the bill by adding to it the territorial bills. And I hope, from all the demonstrations that have been made, that

there can be little doubt that the majority of the Senate favor such a proposition.

"Mr. Benton: The Senator from Kentucky has amendments in his hand to offer to the bill, and I have got the parliamentary law in my hands, to show that he will undertake to do a thing which is flagrantly illegal, and violative of parliamentary law.

"Mr. Clay: One word, sir. I know the character and eminence of the Senator from Missouri for dwelling on parliamentary law; but I will take issue with him on his parliamentary law, and I will show that no such parliamentary law exists in any parliament on earth.

"Mr. Benton: I will meet the Senator on that point, then. And I can show him four good, large volumes. I will show him that there is such a law, and I will make it a case of profert in open court. He is to go on denying the laws when four quarto volumes which contain it are produced and read. We will see about it.

"Mr. Douglas: I would ask the attention of the Senate to this point. Let the motion to postpone be withdrawn, and the amendments be submitted simply that they be printed. I do not make that motion, but simply make the suggestion.

"Several Senators: No, no.

"Mr. Clay: I trust the Senator will agree with me that it is unnecessary to print them. The amendments which I shall move are, in fact, the bills reported by the Senator from Illinois, and which have already been printed. But he has it in contemplation to offer an amendment which is yet in manuscript, and which ought to be printed. It is unnecessary to print the bills which I shall offer as amendments, because they have already been printed.

"Mr. Douglas: I concur with the Senator from Kentucky that it is unnecessary to print the amendments, as it seems they have already been printed. After the question on the motion to postpone shall be taken, I shall move to print the ordinance alluded to by the

Senator from Kentucky, together with my own amendment to the bill."[1]

Here is the proof positive of the identity of Clay's and Douglas's position on the question of non-intervention in 1850. Mr. Clay states, just as Judge Douglas stated later on, that he had adopted, in place of his own or Mr. Bell's resolutions, "the bills reported by the Senator from Illinois, and which have already been printed."

On May 8th, Mr. Clay reported from the Committee of Thirteen.

After reciting that:

"The Committee entered on the discharge of their duties with a deep sense of their great importance, and with earnest and anxious solicitude to arrive at such conclusions as might be satisfactory to the Senate and to the country." . . .

"The views and recommendations contained in this report may be recapitulated in a few words:

"1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States.

"2. The admission forthwith of California into the Union with the boundaries which she has proposed.

"3. The estahlishment of territorial governments without the Wilmot Proviso for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California.

"4. The combination of these two last-mentioned measures in the same bill.

"5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdic-

[1] Cong. Globe, Vol. 21, p. 782.

tion of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico.

"6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State.

"And, 7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave trade in the District of Columbia.

"The Committee have endeavored to present to the Senate a comprehensive plan of adjustment, which, removing all causes of existing excitement and agitation, leaves none open to divide the country and disturb the general harmony. The nation has been greatly convulsed, not by measures of general policy, but by questions of a sectional character, and, therefore, more dangerous and more to be deprecated. It wants repose. It loves and cherishes the Union. And it is most cheering and gratifying to witness the outbursts of deep and abiding attachment to it which have been exhibited in all parts of it, amidst all the trials through which we have passed and are passing. A people so patriotic as those of the United States will rejoice in an accommodation of all troubles and difficulties by which the safety of that Union might have been brought into the least danger. And, under the blessings of that Providence who, amidst all vicissitudes, has never ceased to extend to them His protecting care, His smiles, and His blessings, they will continue to advance in population, power, and prosperity, and work out triumphantly the glorious problem of man's capacity for self-government."

Under the provisions of the bills reported by the Committee, California would be admitted to the Union with the Constitution already submitted to Congress by the

President, and which prohibited slavery. Utah and New Mexico were given territorial governments; and it was further provided : . . .[1]

". . . That the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, nor *in respect to African slavery*." . . .[2]

This provision was to apply equally to both Territories.

And now was to come the real tug of war. California lay about half-north and half-south of the line of 36° 30′; yet it was proposed, as a compromise, to permit her to come into the Union at once, as a State, without any previous territorial organization, with a constitution prohibiting slavery; and so shutting off by her laws all of the Southern men from settling there with their slaves—their laboring class—without whom they would not undertake to settle up any new country, any more than a manufacturer would undertake to run a factory without hands, or a contractor to build a railroad without the necessary labor to carry on the work. To preclude their labor was to preclude themselves from all share in the new State, to whose lands they felt they should have the right of entrance. They had paid their full proportion for them in blood as well as in treasure; and they felt it an infinite wrong that any legal means should be adopted to keep them out. If nature were against them, why, they could submit to nature without dishonor. But it was repugnant to all their ideas of equality between the States that they should be thus excluded, by the laws of man, from lands that belonged to them equally with all other citizens; and to which were admitted men of all other countries.

[1] Cong. Globe, Sec. 10, p. 947.

[2] Idem, pp. 946, 947.

Mr. Clemens at once gave notice that he would offer an amendment to the California bill:

"Be it further enacted, That the line of 36° 30′ north latitude shall be, and the same is hereby declared to be, the Southern boundary line of the said State of California."[1]

Mr. Berrien and Mr. Mangum, Southern members of the Committee, stated that whilst they could not agree to every point in the report, yet they felt that it would "tend to prevent any outbreak." That by carrying this measure, "the agitators, wherever they may live—in whatever part of the Union—will be unhorsed, defeated, and fall into disrepute." That the proposition presented contains "the broad principle of equity and justice."[2]

Mr. Dickinson called attention to the fact that "there is an essential difference between this report and these bills and the resolutions introduced early in the session by the Senator from Kentucky. They are not similar, as has been supposed and asserted. I will not now enter upon the discussion and the merits or demerits of either, but simply state that one of the leading principles of the resolutions of the Senator from Kentucky, and the one which drew out the most opposition, was the declaration as to what was the existing law in the Territories. Now, there is an utter absence of any thing of the kind in either the report or the bills. No reference to this point is to be found in either, but the whole question is left where the Constitution leaves it."

"Mr. Davis: . . . The object of the report is to support the bills introduced into the Senate by the Territorial Committee, and then referred to this Select Committee. Now, I have no hesitation in saying that I am against those bills as reported by the Territorial Committee, and was prepared to act against them when

[1] Cong. Globe, Vol. 21, p. 948.

[2] Idem, p. 950.

they came before the Senate, and their sanction by the Select Committee will not commend them any more to my attention."[1]

Mr. Clay, on May 13th, spoke in support of the report of the Committee, and the bills as reported by the Chairman of the Territorial Committee and adopted by the Select Committee, and criticised the President and his plan quite severely.

Of the Wilmot Proviso, Mr. Clay asks:

" . . . Why do you of the North press it? You say because it is in obedience to certain sentiments in behalf of human freedom and human rights which you entertain. . . . You may retort, why is it opposed at the South? It is opposed at the South because the South feels that, when once legislation on the subject of slavery begins, there is no seeing where it is to end. . . . Sir, the South has felt that her security lies in denying at the threshold your right to touch the subject of slavery. . . . The cases, then, gentlemen of the North and gentlemen of the South, do not stand upon an equal footing. When you, on the one hand, unnecessarily press an offensive and alarming measure on the South, the South repels it from the highest of all human motives of action, the security of property and life, and of every thing else interesting and valuable in life."[2]

On the 15th, Mr. Davis, of Mississippi, offered the following amendment:

"To strike out in the sixth line of the tenth section the words 'in respect to African slavery,' and insert the words 'with those rights of property growing out of the institution of African slavery as it exists in any of the States of this Union.' The object of the amendment is to prevent the Territorial Legislature from legislating against the rights of property growing out of the institution of slavery."

[1] Cong. Globe, Vol. 21, pp. 953-956. [2] Idem, p. 573.

"Mr. Clay: If the object of the Senator is to provide that slaves may be introduced into the Territory contrary to the *lex loci*, and, being introduced, nothing shall be done by the Legislature to impair the rights of owners to hold the slaves thus brought contrary to the local laws, I certainly can not vote for it. . . . I repeat what I have before said, that I can not vote to convert a Territory already free into a slave Territory. I am satisfied, for one, to let the *lex loci*, as it exists, remain." . . .

The main difference between Mr. Clay's resolutions and the bills of the Territorial Committee adopted by him as Chairman of the Select Committee consisted in the fact that his resolutions declared, "Whereas slavery does not exist by law, and is not likely," etc., whilst the Territorial Bills, as originally drawn up by Judge Douglas, utterly ignored the subject of African slavery. Mr. Clay also opposed the mention of it in the bills, as he foresaw it would produce a world of angry feeling and discussion; but he was overruled in the Committee, and the forbidden subject was brought in.[1]

On the 16th, Mr. Davis, of Mississippi, proposed to alter his amendment of the day previous, by restoring the section to its original state, and after the word 'slavery,' to add the following:

"*Provided*, That nothing contained in this section shall be so construed as to prevent the Territorial Legislature from passing such police or other laws, or providing such remedies, as may protect the owners of African slaves in said Territory, or who may remove to said Territory, in the enjoyment of such rights as they may possess under the Constitution and laws of the United States."[2]

The discussion of this section and the amendments thereto embrace pretty much the whole subject of dis-

[1] See App. to Cong. Globe, Vol. 22, p. 612.

[2] Cong. Globe, Vol. 21, p. 1019.

pute. Mr. Foote's views as to non-intervention were very clear:

"For my part, Mr. President, I feel no particular desire that any restrictions whatever should be imposed by us upon the Territorial Governments in regard to legislating on the subject of slavery. . . . The citizens of all the States have a right to remove within the limits of these Territories with any property which they possess, and which is recognized by the Constitution of the Union, either generally or specially, and to demand recognition and protection of it as such from the Territorial Government, so soon as it shall have been established. . . ."

He also declared: "That if we once allow Congress to legislate on the subject of slavery at all, the whole system of African slavery, as it now exists in the South, will be speedily overwhelmed by that tide of abolition which the sagacious statesmen of the South have been constantly struggling to repel."[1]

On May 21st, Mr Clay proceeded to further analyze the President's plan in a manner that called forth severe criticism from a portion of the Whig party.

"Mr. Clay. . . . Let us look at the condition of these Territories:

"Mr. President, with regard to Utah, there is no Government whatever, unless it is such as necessity has prompted the Mormons to institute; and when you come to New Mexico, what Government have you? A Military Government by a Lieutenant-Colonel of the army! A Lieutenant-Colonel—a mere subordinate of the army of the United States—holds the Government power there, in a time of profound peace! Stand up, Whig, who can—stand up, Democrat, who can—and defend the establishment of a military Government in this free and glorious Republic, in a time of profound peace! Sir, we had doubts about the authority of the late President

[1] App. Cong. Globe, Vol. 22, p. 581.

to do this in time of war, and it was cast as a reproach against him. But here, in a time of profound peace, it is proposed by the highest authority, that this Government, that this military Government—and by what authority it has continued since peace ensued, I know not —should be continued indefinitely, till New Mexico is prepared to come as a State into the Union. And when will that be?

"Whilst the President's plan is confined to a single measure, leaving the Governments of Utah and New Mexico unprovided for, and the boundary between Texas and New Mexico unsettled, another, and one of the most irritating questions, is left by him, without any recommendation or any provision, to harass and exasperate the country.

"He fails to recommend any plan for the settlement of the important and vexatious subject of fugitive slaves. He proposes no plan of settlement of the agitating questions which arise out of this subject. I will repeat, let him, who can, stand up here and tell the country, and satisfy his own conscience—when the whole country is calling out for peace, peace, peace; when it is imploring its rulers above and its rulers below to bring once more to this agitated and distracted people some broad and comprehensive scheme of healing, and to settle all these questions which agitate this afflicted people—let any man who can, not in the public press, but in the Senate of the United States, stand up and show that the plan which is proposed by the executive authority is such a one as is demanded by the necessities of the case and the condition of the country. I should be glad to hear that man. Aye, Mr. President, I wish I had the mental power commensurate with my fervent wishes for the adjustment of these unhappy questions—commensurate to urge upon you and upon the country forbearance, conciliation, the surrender of extreme opinions, the avoidance of attempting impossibilities."[1]

[1] App. to Cong. Globe, Vol. 22, pp. 614–616.

Mr. Clay here speaks, as he often did, of the acclamations with which the passage of the act for the admission of Missouri were received.

The Missouri compromise line was suggested by Mr. Mason, of Virginia, as a possible settlement of all difficulty.

"Mr. Cass: . . . The Missouri Compromise line said nothing on the subject of slavery south of 36° 30′. It left it to the people to introduce or exclude it there, while it prohibited its existence north of that line. This bill leaves the whole territory, north and south, precisely as the Missouri Compromise line left the country to the South. That was non-action by Congress south of that line, but action north; while this is non-action both north and south, and gives to the people the right to settle the question for themselves.

"The Missouri Compromise line was a political line dividing something, while this would divide nothing at all. These bills create territorial governments without touching the question of slavery. Is the honorable Senator from Virginia willing it should not be touched? If he is, he has only to vote for them, and his object is accomplished. But this is no compromise line; it is non-intervention fairly carried out."[1]

The pending question was on the following amendment, offered by the Senator from Ohio (Mr. Chase) to the amendment of the Senator from Mississippi (Mr. Davis):

"*Provided further*, That nothing herein contained shall be construed as authorizing or permitting the introduction of slavery or the holding of persons as property within said Territory. . . ."[2]

"Mr. Douglas: I wish to say one word before this part of the bill is voted upon. I must confess that I rather regretted that a clause had been introduced into

[1] App. to Cong. Globe, Vol. 22, p. 654.
[2] Cong. Globe, Vol. 21, p. 1113.

this bill providing that the territorial governments should not legislate in respect to African slavery. The position that I have ever taken has been that this, and all other questions relating to the domestic affairs and domestic policy of the Territories, ought to be left to the decision of the people themselves, and that we ought to be content with whatever way they may decide the question, because they have a much deeper interest in these matters than we have, and know much better what institutions suit them than we, who have never been there, can decide for them. I would therefore have much preferred that that portion of the bill should have remained as it was reported from the Committee on Territories, with no provision on the subject of slavery the one way or the other; and I do hope yet that that clause in the bill will be stricken out. I am satisfied, sir, that it gives no strength to the bill. I am satisfied, even if it did give strength to it, that it ought not to be there, because it is a violation of principle—a violation of that principle upon which we have all rested our defense of the course we have taken on this question. I do not see how those of us who have taken the position which we have taken (that of non-interference), and have argued in favor of the right of the people to legislate for themselves on this question, can support such a provision without abandoning all the arguments which we urged in the presidential campaign in the year 1848, and the principles set forth by the honorable Senator from Michigan in that letter which is known as the 'Nicholson letter.' We are required to abandon that platform; we are required to abandon those principles, and to stultify ourselves and to adopt the opposite doctrine—and for what? In order to say that the people of the Territories shall not have such institutions as they shall deem adapted to their condition and their wants. I do not see, sir, how such a provision as that can be acceptable either to the people of the North or the South. Besides, it settles nothing; it leaves it a matter of doubt

and uncertainty what is to be the condition of things under the bill; and whatever shall be ascertained to be the condition in respect to slavery, it may turn out that, while the law is held to be one way, the people of the Territory are unanimous the other way.

"And, sir, is an institution to be fixed upon a people in opposition to their unanimous opinion? Or are the people, by our action here, to be deprived of a law which they unanimously desire, and yet have no power to remedy the evil? . . ."[1]

(In view of these expressions of opinion by Judge Douglas, in which Mr. Clay fully concurred, it is difficult to conceive how he could, in 1854, have refused to accept the repeal of the Missouri Compromise, once he understood its purpose and meaning, which was purely to carry out this very principle of non-intervention for which he was here contending.)

"Mr. Davis, of Mississippi: . . .

"A word now to the Senator from Illinois, Mr. Douglas. It is to his argument that I address myself. The difference between that Senator and myself consists in who are a people. The Senator says that the inhabitants of a Territory have a right to decide what their institutions shall be. When? By what authority? How many of them? Does the Senator tell me, as he said once before, from the authority of God? Then one man goes into a Territory and establishes the fundamental law for all time to come. It would then be unquestionably the unanimous opinion of what that law should be; and are all the citizens of the United States, joint owners of that Territory, to be excluded because one man chooses to exclude all others who might come there? That is the doctrine carried out to its fullest extent. I claim that a people, having sovereignty over a Territory, have power to decide what their institutions shall be. That is the Democratic doctrine, as I have

[1] Cong. Globe, Vol. 21, p. 1114.

always understood it, and, under our Constitution, the inhabitants of the Territories acquire that right whenever the United States surrenders the sovereignty to them by consenting that they shall become States of the Union, and they have no such right before. The difference, then, between the Senator from Illinois and myself is the point at which the people do possess and may assert this right. It is not the inhabitants of the Territory, but the people as a political body, the people organized, who have the right; and, on becoming a State, by the authority of the United States, exercising sovereignty over the Territory, they may establish a fundamental law for all time to come.

"Then again the Senator states what, during the last Presidential canvass, was his position in relation to the doctrine of non-intervention. I am sorry to hear him state it as he has. If non-intervention means that the Government shall refuse protection to property, then, sir, upon what basis rests the right of taxation? Whence arises the claim to personal service of citizens? There must be mutual obligation—support from one, protection from the other. Whatever section has its property excluded from this protection by the Government has a right, from that day forth, to withhold all further support. What claim, sir, has the Government to the assistance and support of the citizens if it refuses them protection? And what are all the great principles of our Constitution worth if they are transferred to a Government without power to use them?" . . .

"Mr. Douglas: The Senator from Mississippi puts a question to me as to what number of people there must be in a Territory before this right to govern themselves accrues. Without determining the precise number, I will assume that the right ought to accrue to the people at the moment they have enough to constitute a government; and, sir, the bill assumes that there are people enough there to require a government and enough to authorize the people to govern themselves. If, sir, there are enough

to require a government, and to authorize you to allow them to govern themselves, there are enough to govern themselves upon the subject of negroes as well as concerning other species of property and other descriptions of institutions. Your bill concedes that government is necessary. Your bill concedes that a representative government is necessary, a government founded upon principles of popular sovereignty, and the right of the people to enact their own laws; and for this reason you give them a legislature constituted of two branches, like the Legislatures of the different States and Territories of the Union; you confer upon them the right to legislate upon all rightful subjects of legislation, except negroes. Why except negroes? Why except African slavery? If the inhabitants are competent to govern themselves upon all other subjects, and in reference to all other descriptions of property, if they are competent to regulate the laws in reference to master and servant, and parent and child, and commercial laws affecting the rights and property of citizens, they are competent also to enact laws to govern themselves in regard to slavery and negroes. Why, when you concede the fact that they are entitled to any government at all, you concede the points that are contended for here.

"But the Senator from Mississippi says that he is contending for a principle that requires Congress to protect property, but that I am contending against it. Not at all, sir; I desire to give them such a government as will enable them to protect property of every kind and description. I wish to make no exception. He desires to make an exception.

"Mr. Davis: Not at all.

"Mr. Douglas: The government contended for authorizes them to protect property in horses, in cattle, in merchandise, and in property of every kind and description, real and personal; but the Senator from Mississippi says that you must exclude African slavery.

"Mr. Davis: No, sir; he said no such thing.

"Mr. Douglas: He excepted—

"Mr. Davis, of Mississippi: With the Senator's permission, I will explain. He is attacking the bill, but I had nothing to do with the bill, except to try and better it.

"Mr. Douglas: I begin to discover my error. I am holding the Senator responsible for the work of the Committee of Thirteen.

"Mr. Davis (in his seat): It was a very great error.

"Mr. Douglas: I was making war upon him by mistake. I must pay my respects to the Committee of Thirteen. They make the distinction that the people of the Territory are to govern themselves in respect to the right of all kinds of property but African slaves. I want to know why this exception? Upon what principle is it made? What is the necessity for it? Is it not as important as any other right in property? Why, then, should it be excepted and reserved? And, sir, if you reserve it, to whom do you reserve it? To this Congress? No, sir; you deny it to the people, and you deny it to the Government here. . . .

"Now, Mr. President, I have a word to say to the honorable Senator from Mississippi (Mr. Davis). He insists that I am not in favor of protecting property, and that his amendment is offered for the purpose of protecting property under the Constitution. Now, sir, I ask you what authority he has for assuming that? Do I not desire to protect property because I wish to allow these people to pass such laws as they deem proper respecting their rights in property without any exception? He might just as well say that I am opposed to protecting property in merchandise, in steamboats, in cattle, in real estate, as to say that I am opposed to protecting property of any other description; for I desire to put them all on an equality, and allow the people to make their own laws in respect to the whole of them. But the difference is this: he desires an amendment which he thinks will recognize the institution of slavery in the

Territories as now existing in this country. I do not believe it exists there now by law. I believe it is prohibited there by law at this time, and the effect, if not the object, of his amendment, would be to introduce slavery by law into a country from which I think a large majority of this Senate are of opinion it is now excluded, and he calls upon us to vote to introduce it there. The Senator from Kentucky, who brought forward this compromise, tells us that he can never give a vote by which he will introduce slavery where it does not exist. Other Senators have declared the same thing, to an extent which authorizes us to assume that a majority of this Senate will never extend slavery by law into territory now free. What, then, must be the effect of the adoption of the provision offered by the Senator from Mississippi? It would be the insertion of a provision that would infallibly defeat the bill, deprive the people of the Territories of government, leave them in a state of anarchy, and keep up excitement and agitation in this country. I do not say, nor would I intimate, that such is the object of the Senator from Mississippi. I know that he has another and a different object, an object which he avows. That object is to extend the institution of slavery to this Territory, or, rather, as he believes it to be already carried there by law, to continue its legal existence in the Territory. But, sir, I do not hold the doctrine that to exclude any species of property by law from any Territory is a violation of any right to property. Do you not exclude banks from most of the Territories? Do you not exclude whisky from being introduced into large portions of the territory of the United States? Do you not exclude gambling-tables, which are properly recognized as such in the States where they are tolerated? I am opposed to any provision in this bill prohibiting the people of the Territory from legislating in respect to African slavery. I would desire to see it stricken out; and I repeat that I can not conceive how the Senator from Michigan (Mr. Cass),

and those who think with him and acted with him during the last campaign, can go for a provision of this kind without abandoning the position which they assumed; and upon that point I have the Senator from Mississippi with me. I recollect that early in the session he made a speech here in which he declared that he put that construction on the letter from the Senator from Michigan (Mr. Cass) during the campaign, and that it made him a little lukewarm in his support of that gentleman.

"I do not believe, sir, that the Senate can agree upon any principle by which a bill can pass giving governments to the Territories in which the word 'slavery' is mentioned. If you prohibit, if you establish, if you recognize, if you control, if you touch the question of slavery, your bill can not, in my opinion, pass this body. But the bill that you can pass is one that is open upon these questions, that says nothing upon the subject, but leaves the people to do as they please, and to shape their institutions according to what they may conceive to be their interests, both for the present and the future."

"Mr. Davis, of Mississippi: I have no right, Mr. President, to ask the Senator from Illinois to read my speeches. They are not worthy of it. I might ask him, however, to read the amendment which I have lying upon the table before he again makes a speech upon it. If the Senator had considered my speeches worthy of perusal, or had listened attentively to their delivery, he would not have taken occasion to say that I had avowed myself lukewarm in my support of the Senator from Michigan as a candidate for the Presidency.

"Mr. Douglas: I said that in respect to this question you had your doubts, and therefore were lukewarm in your support of him.

"Mr. Davis: I had doubts, fears, apprehensions, which reached to a conviction that the Senator was wrong upon the question of the power of territorial inhabitants; yet, sir, I took him as a choice of evils. (Laughter.) I say it in no terms of disrespect. The

Senator from Michigan knows that I thought it was a wrong doctrine which he held upon this subject, but I sustained him for the other doctrines which were directly connected with the duties of a President; and I gave him an earnest support. My political opinions triumphing over personal feelings, which were very near to me.[1]

"The Senator from Illinois, if he will review my course, will never make that statement again. If the Senator

[1] Mr. Davis had married, in 1836, Gen. Taylor's daughter, Sarah Knox, a graceful, fascinating, handsome and bright young girl. They had loved one another for several years, but the General had opposed the match. Mr. Davis was a Lieutenant in the army with poor pay, and Gen. Taylor was not willing for his daughter to encounter the hardships attending army life and poverty. When, however, Lieut. Davis resigned his commission and purchased a plantation in Mississippi, the General, then stationed at Prairie de Chien, Wisconsin, could no longer withhold his consent, and wrote to his sister, Mrs. Gibson Taylor, asking that the marriage take place at her home, near Louisville, Kentucky, where Knox Taylor was then visiting. The young couple left for their Mississippi home immediately after the marriage on a beautiful June morning; but the young bride lived only three months, she and her husband both being stricken with the dreadful fever of which she died, while he lay unconscious of her death—and awakened to life only to learn of his terrible loss.

It would appear that Mr. Davis had never met Gen. Taylor after his marriage to his daughter until the battle of Buena Vista was fought, in February, 1847. That battle, where 25,000 Mexicans, in a glittering array of green and gold and white uniforms, filed down the mountain side to the splendid music of Santa Anna's march, confident of victory over the 5,000 Americans who awaited them in the valley. On the evening of that day, whose watchword was "Victory or Death," Gen. Taylor sent for Mr. Davis, who had distinguished himself by his gallantry on the field, to come to his tent. Offering him his hand, he said: "You must permit me, sir, to acknowledge that my daughter was a better judge of men than I myself." And from that day a warm affection existed between the two.

Whilst the battle of Buena Vista was at its hottest, by some strange blunder the Indiana troops received an order to retreat, presumably, according to official correspondence, from Brig.-Gen. Wool. This retreat, made at such an inopportune and critical moment, was misconstrued and supposed to be a flight, by the whole army; as no one conceived it possible that such an order could have been given by any officer. At this juncture, Mr. Davis, seeing disaster imminent, dashed forward with his Mississippi troops and saved our army from the defeat which

from Illinois had read this amendment he would never have fallen into the error of accusing me for what is contained in the bill. If he had even listened to any of my arguments in support of the amendment, he would not have fallen into the mistake of supposing that it was running *pari paasu* with the bill. He would have learned, too, that I was only claiming for the Territorial Legislature the power to protect property, which I conceived to be the great duty of Government. . . . The Senator from Illinois, however, announces again and again that I claim for Congress the establishment or introduction of slavery into the Territories. Now, sir, it is passing strange that an amendment which merely goes to prevent Congress from restricting territorial legislation upon certain subjects should be considered as

would almost inevitably have overtaken it but for this gallant and timely act of heroism.

The stigma of their retreat rested upon the Indianians (as false impressions are hard to remove), even though it was officially shown, and is of record, that it was made under orders. And, strange to say, after our civil war began, they held Mr. Davis especially responsible for this false impression. It was stated at the time that the entire regiment of Indianians, raised by Gen. Lew. Wallace, in 1861, knelt and took an oath to be revenged on "Jeff. Davis" for the slight he had put on the Indiana troops, by saying that they "ran" at Buena Vista. Yet it is also of record, that Mr. Davis, on the floor of the Senate, defended them from the charge, and cited, as a proof of their bravery, the number of dead left by them on that bloody field.

Col. Dix, of the regular army and brother to Gov. John A. Dix, of New York, thought the Indianians were running. Seizing their battle flag, he galloped with it two hundred yards ahead of his command, in the very teeth of the Mexicans, "looking like a veritable War-God, as he dashed on, his long yellow hair floating in the wind, his blue eyes ablaze, his cheeks aflame, shouting to the retreating troops to follow him, and waving their flag over his head."

Col. Dix, and Gen. Cary H. Fry who was Major in Clay and McKee's Kentucky regiment, both related to the writer the incident in Gen. Taylor's tent; and it was Gen. Fry who described Col. Dix's appearance, and also Mr. Davis' conduct on the battle-field; whilst the account of his marriage was given by Mrs. Ann Edwards in the *Louisville Courier Journal*—Mrs. Edwards being a daughter of Mrs. Gibson Taylor, and cognizant of the facts.

a law to introduce slavery into the Territories. Time and again have I stated before the Senate that I claim only our constitutional rights; and that, if it is our constitutional right to take slaves into the Territories, Congress is bound to protect them as much as other constitutional rights, and in delegating authority should not prevent the Territorial Legislature from passing those police laws or other remedies necessary for their own peace and for the protection of this species of property. Can it be said that this is a law to introduce slavery into the Territories? Does not the Senator from Illinois know that I have frem the beginning denied to Congress the power to establish slavery? I neither conceded that, nor the converse lately so much insisted on. . . . If the Constitution of the United States does recognize our property; if by the Constitution and laws of the United States we have the right to go into the Territories, I hold it to be the duty of this Government, if there are obstructions in the way of the exercise of that constitutional right—if it be true that the Mexican laws are now in force in the Territories, and constitute an obstacle against its exercise, then, sir, it is the bounden duty of this Congress to repeal those laws, and to repeal them at once. It is not the right of property in slaves that is alone affected, but in all the animals and manufactured articles prohibited from introduction by the Mexican law. Is this prohibition to be continued? No; you all will answer no. Why is it then, I ask every man who has a heart above the petty prejudices of his own sectional policy or interest, why is it that slaves alone are excepted—that over slaves alone it is pretended that the Mexican law is to reign supreme, but in every other species of property it is admitted that the inhibition is overriden by the great provisions and principles of the Constitution of the United States?"

"Mr. Walker: . . . Now, let us see what this amendment means, as explained by the Senator from Mississippi. The clause of the bill provides that the

Territorial Legislature shall not legislate upon the subject of slavery. They can not prohibit it, neither can they establish it."

"Mr. Davis, of Mississippi. (In his seat.) Nor protect it."[1]

Mr. King had declared Mr. Douglas' argument to be a "Free Soil speech—the Wilmot Proviso."

"Mr. Douglas: . . . I did not propose to say in the bill that the Territorial Legislature should have the power to legislate on the subject of slavery, or that Congress should have power to prohibit or establish it in the Territories. I proposed to strike out that prohibition of the Territorial Legislature on the subject, and, that being done, it would read, that territorial legislation should extend to all rightful subjects of legislation within their boundaries. I proposed to make it an open question so that the people themselves could do with it as they pleased.

"Now, sir, let me compare notes with the Senator, and see who is in favor of the Wilmot Proviso and Free Soil doctrine on this point. He desires a prohibition on the part of Congress that the Territorial Legislatures shall not legislate in respect to slavery. Why, sir, the laws of Mexico prohibited slavery in those Territories when we acquired them from that country, and according to the law of nations, the laws of Mexico are still in force. And what is it that the Senator proposed? Why, it is to continue those laws in force, and to prevent the people themselves from repealing them. And that is the very doctrine of the Senator from Wisconsin, which he wants to continue and retain in the bill. That was the reason it was voted into the bill by the Committee of Thirteen, the Senator from Vermont giving the casting vote to put it in, because it was a perpetuation of the prohibition of slavery forever. Sir, I wish to strike it out, because I do not wish to perpetuate any institu-

[1] Cong. Globe, Vol. 21, pp. 1115–16.

tion against the will of the people. I wish to leave them free to regulate their own institutions in their own way, without compelling them to establish an institution there, on the one hand, if they do not wish, nor preventing them, on the other from establishing it, if they do wish it.'"[1]

"Mr. Hale: . . . This question is full of embarrassments, practically. If the Constitution of the United States carries slavery into the Territories, what sort of slavery does it carry? Does it carry Virginia slavery or Delaware slavery? Does it carry the slavery of Kentucky or of some other State? Does it carry a slavery which may be abolished by emancipation or does it carry a slavery which can not be abolished by emancipation unless the Legislature consent?" . . .

"Mr. Webster: . . . Now, it is agreed on all hands that it is a matter of municipal law. We know that if slavery were introduced into the Territories, the moment the people formed a State government they could abolish it. On the other hand, if it were prohibited, the moment they formed a State government they could introduce it if they saw fit. Nevertheless, it is not on that ground I proceed, though I think it is a very proper ground. I conceive that the proper mode of proceeding is to leave this matter to State legislation after the Territories shall have become States. But my ground is, standing by the declaration which I have a thousand times made, that there is no reasonable human probability, and that there is therefore no substantial necessity, for doing any thing in organizing territorial governments touching the future existence of slavery therein. That is my belief. There are reasons for the exclusion of slavery in these Territories which no human legislation can control. Acting under that conviction, I shall continue to give my vote here in pursuance of it.

[1] Cong. Globe, Vol. 21, pp. 1117–1118.

Other gentlemen entertaining different opinions will, of course, act as their consciences may dictate."[1]

On June 5th, the vote was taken on the amendments of Mr. Chase and Mr. Davis, and both were defeated. Mr. Berrien then proposed to insert in place of "in respect to" African slavery, the words "establishing or prohibiting." The section will then read:

"But no law shall be passed interfering with the primary disposal of the soil, nor establishtng "or prohibiting African slavery." And this was agreed to by 30 to 29.[2]

Mr. Douglas then moved to strike out the words "nor establishing nor prohibiting African slavery," but his motion was voted down.[3]

Mr. Yulee proposed to strike out the 21st section, and to insert, in lieu thereof, the following:

"And be it further enacted, That the Constitution and laws of the United States are hereby extended over, and declared to be in force in the said Territory of Utah, so far as the same or any provision thereof may be applicable."[4]

This passed by 30 to 24, Mr. Webster voting nay.

Mr. Soule moved further to amend the bill in the fifth section by inserting after "Utah," in the fifth line, the following:

"And when the said Territory, or any portion of the same, shall be admitted as a State, shall be received into the Union with or without slavery as their Constitution may prescribe at the time of their admission."

Also in section 22, after "New Mexico," add the same words as above.[5]

Mr. Dickinson offered instead:

"And shall be admitted as a State of the Union, on terms of equality in all respects with the original States, and with such Constitution as it may adopt, with no

[1] Cong. Globe, Vol. 21, p. 1119.
[2] Idem, p. 1134.
[3] Idem, p. 1135.
[4] Idem, p. 1145.
[5] App. to Cong. Globe, p. 902.

other restriction than that it shall be republican in form.'"[1]

"Mr. Underwood: I rise to express my hearty thanks to the gentleman from Louisiana and the gentleman from New York, Mr. Dickinson, who were affording in this movement the only ray of hope that has been shed upon my mind in regard to a compromise of the difficulties of the country. Sir, this Constitution of ours was based upon the idea originally that local matters should be left to the local jurisdiction of the States, and all the difficulties that we have had from the date of the Missouri Compromise down to the present day have grown out of the violation of that principle. And here, sir, for the first time in the last thirty years, is an amendment made upon this floor, by which it appears that we are to go back to the days of the foundation of the Government. Sir, what is the foundation of all our difficulties? It is an attempt on the part of members of Congress to regulate local matters in local jurisdictions. That was the foundation of the Missouri difficulty. This principle offered by the gentleman from Louisiana, if it had been applied to the Missouri case, would have healed the difficulty at that time, and we would never have had it to settle. The foundation of that difficulty was an effort on the part of Congress to refuse to the people of a local jurisdiction the right to shape their local government to suit themselves. That was the foundation of it, and it has been the foundation of all the difficulties we have had from the beginning. Now, sir, we can have no difficulty hereafter; we never shall have any difficulties upon this point if the Congress of the United States will announce to the people of the United States that this Government was not formed, was not designed in its origin, to take jurisdiction and cognizance of local matters, but that they are to be left to the local jurisdictions; that the State governments

[1] App. to Cong. Globe, p. 903.

which are to be carved out are to settle these things for themselves, and that this National Government of ours was designed to fulfill the powers vested by the Constitution of the United States in Congress for national and general purposes.

"Sir, I return my hearty thanks to the gentleman from New York, because he acted with me more than two years ago upon this very question, and he was the only one who did act with me, in an effort to leave these local matters to the local jurisdictions, and to confine ourselves to the general powers of the Constitution."

Mr. Baldwin proposed to strike out "all after the word 'State,'" and insert the following:

"At the proper time to be judged of by Congress, the people of said Territory shall be admitted to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution."[1]

Mr. Soule's amendment passed on the 17th of June, over those of Messrs. Baldwin and Dickinson, by 38 to 12—Mr. Webster voting for it, and saying:

"Sir, my object is peace. My object is reconciliation. My purpose is, not to make up a case for the North, or to make up a case for the South. My object is not to continue useless and irritating controversies. I am against agitators, North and South. I am against local ideas, North and South, and against all narrow and local contests. I am an American, and I know no locality in America; that is my country. My heart, my sentiments, my judgment demand of me that I shall pursue such a course as shall promote the good and the harmony and the union of the whole country. This I shall do, God willing, to the end of the chapter."

The honorable Senator resumed his seat amidst general applause from the gallery.[2]

[1] App. Cong. Globe, Vol. 22, p. 906.
[1] Cong. Globe, Vol. 21, p. 1239.

June 19th, Mr. Davis' amendment was rejected by a vote of 30 to 18.[1]

On the same day, Mr. Clay said:

"Mr. President, I must own that a hundred times, almost, during the progress of this bill, have I been quite ready to yield, and to say, for one, I withdrew from all further efforts for the passage of this bill. I never have seen a measure so much opposed—so much attempted to be thwarted. We exhibit a spectacle of *see-saw*, putting the least weight on one side, while there is an obstruction of the balance on the opposite side. Whilst all parties are, or ought to be, desirous of harmonizing the country, and of restoring once more tranquility, difficulties almost insuperable, upon points of abstraction, upon points of no earthly practical consequence, start up from time to time, to discourage the stoutest heart in any effort to accommodate all these difficulties. . . ."[2]

But on the morning of the 20th, he was very much comforted by being able to present to the Senate resolutions of indorsement—passed unanimously—by the Constitutional Convention of Kentucky assembled in Frankfort to proclaim the new Constitution, and in most cordial terms, of "the patriotic endeavor" of the Committee of Thirteen to reconcile the existing differences, and pledging Kentucky to an "undivided support in the attainment of an object so necessary to the welfare of our common country." As there were more Democrats than Whigs in the Convention, the members acted in the name of both these great parties.

June 26th, by way of expediting business, Mr. Clay proposed that the Senate meet at 11 o'clock instead of 12, and the motion was agreed to.

The discussions and motions for amendments meantime went on and on; and it must be confessed that some of these discussions recall very forcibly that great

[1] App. to Cong. Globe, p. 921. [2] Idem, p. 929.

dispute which convulsed the learned world in the days of St. Thomas Aquinas, and was carried on for many months with great excitement of feeling and many different opinions, as to "how many angels could dance on the point of a needle!"

July 3d, Mr. Bell, of Tennessee, made an exceedingly able speech, in which he warmly defended Gen. Taylor's course—alluding to Mr. Clay's arraignment of his policy, and claiming, "that Gen. Taylor had been influenced in his course upon this subject by the highest and noblest motives of duty and patriotism. . . .

"But the Senator from Kentucky will remember that when he made that speech on the 21st of May, holding up in vivid contrast the plan of the President with that of the Committee, he accompanied his denunciations with the utmost degree of scorn of manner—not to say contempt; and did he not then tempt the President to the very brink of propriety? If he did not take the leap—if he was not thrown off his guard, it is proof of the noblest forbearance. Presidents, like other men, are made of flesh and blood, and partake of all the infirmities of humanity. It would be strange, therefore, if, after such a speech, the President had not shown some irritation and resentment. And I ask the Senator from Kentucky, judging from his knowledge of human nature and his own temper, were it his case, how far would such feelings be likely to be treasured up, and find utterance from him, even against the dictates of policy and propriety? . . . The distinguished Senator from Michigan (Mr. Cass) the other day appropriated fully one-half of his speech to a searching analysis of the plan of the President; assailing it in a studied and severe critique; attacking it with all the weapons to be found in the armory of rhetoric, ridicule, sarcasm, exaggeration, perversion, and denunciation."[1]

[1] App. to Cong. Globe, Vol. 22, pp. 1091–1093.

" . . . Where do you place the President in his guidance of the vessel of State? Struggling between Scylla and Charybdis, with Hell Gate just in front, or rear, as you may choose to place it. All the metaphors, similies and other figures of speech drawn down from the perils of ocean navigators, would be inadequate to portray the obstructions thrown in the way of the President, in his arduous navigation of the ship of State at the present moment."[1]

Just four days after Mr. Bell's speech, the President died—of a sudden illness—his last words being: "I have always done my duty; I am ready to die; my only regret is for the friends I leave behind me."[2]

Millard Filmore took the oath of office—the customary eulogies were pronounced—the old hero was laid to rest with all the pomp and pride of military and civic honors befitting the occasion of the burial of a President from the White House. His war-horse, Old Whitey, fully caparisoned and led by a groom, followed his master to his grave—the last service he could render him. All animosities seemed buried in that grave, and only kindly memories of his good qualities, and feelings of sorrow for his brave heart so suddenly stilled, remained.

Humphrey Marshall, of Kentucky, did no more than justice to the brave old soldier when he said that he was —"Great, without pride; cautious, without fear; brave, without rashness; stern, without harshness; modest, without bashfulness; sagacious, without cunning; apt, without flippancy; intelligent, without the pedantry of learning; benevolent, without ostentation; sincere and honest as the sun, the 'noble old Roman' has laid down his harness—his task is done. He has fallen as falls the summer tree in the bloom of its honor, before the blight of autumn has seared a leaf that adorns it. . ."

[1] App. to Cong. Globe, Vol. 22, p. 1099.
[2] Cong. Globe, Vol. 21, p. 1365.

On the banks of the beautiful Ohio, in his native State, and at his boyhood's home, lie the honored remains of Kentucky's soldier-President, the hero of Buena Vista,

> "And glory guards with solemn round
> The bivouac of the dead."
>
> —*Theodore O'Hara.*

CHAPTER XIV.

1850—Mr. Clay on Abolition, Disunion, Secession and Non-Intervention —California admitted—Utah and New Mexico given Territorial Governments—Texas Boundary Bill passed—Also Fugitive Slave Law—Abolition of Slave Trade in District of Columbia—Seward proposes amendment—Defeated—Clay, Benton, Winthrop, Douglas and others.

With the death of President Taylor, and the accession of Millard Filmore to the Presidency, the hostility of the Administration to Mr. Clay was withdrawn—but that fact did not reconcile the ulras of either section to the bills of the Committee of Thirteen as one measure.

On the 22d of July, Mr. Clay again spoke in their defense, and made one of his most eloquent pleas for Union and peace. Extracts:

"Mr. Clay: . . . It is said, Mr. President, that this 'omnibus,' as it is called, contains too much. I thank, from the bottom of my heart, the enemy[1] of the bill who gave it that denomination. The omnibus is the vehicle of the people, of the mass of the people. And this bill deserves the name for another reason; that, with the exception of the two bills which are to follow, it contains all that is necessary to give peace and quiet to the country. It is said sometimes, however, that this omnibus is too heavily weighted, and that it contains incongruous matter. . . . It is not that the bill has too much in it; it has too little according to the wishes of its opponents; and I am very sorry that our omnibus can not contain Mr. Wilmot, whose weight would break it down, I am afraid, if he were put there. (Laughter.) . . . No, sir, it is not the variety of the matter—it is not the incongruity, the incompatibility of the measures and the bill, but it is because the bill does

[1] President Taylor.

not contain enough to satisfy those who want the 'Wilmot,' as it has been properly called, placed in the omnibus.

"Why, Mr. President, how stands the fact? There is not an Abolitionist in the United States, that I know of—there may be some—there is not an Abolition press, if you begin with the Abolition press located in Washington, and embrace all others, that is not opposed to this bill—not one of them. There is not one Abolitionist in this Senate Chamber, or out of it, any-where, that is not opposed to the adoption of this compromise plan. And why are they opposed to it? They see their doom as certain as there is a God in Heaven who sends his providential dispensations to calm the threatening storm and to tranquilize agitated men. As certain as that God exists in Heaven, your business (turning toward Mr. Hale), your vocation is gone.

"I believe from the bottom of my soul, that the measure is the re-union of this Union. . . . I believe it is the dove of peace, which, taking its aerial flight from the dome of the Capitol, carries the tidings of assured peace and restored harmony to all the remotest extremities of this distracted land. I believe that it will be attended with all these beneficent effects. And now let us discard all resentment, all passions, all petty jealousies, all personal desires, all love of place, all hoaning after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the limpid fountain of unadulterated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our consciences, and our glorious Union; that Union without which we shall be torn into hostile fragments, and sooner or later become the victims of military despotism, or foreign domination.

"Mr. President, what is an individual man? An atom, almost invisible without a magnifying glass—a

mere speck upon the surface of the immense universe—not a second in time, compared to immeasurable, never-beginning and never-ending eternity; a drop of water in the great deep, which evaporates and is borne off by the winds; a grain of sand, which is soon gathered to the dust from which it sprung. Shall a being so small, so petty, so fleeting, so evanescent, oppose itself to the onward march of a great nation, to subsist for ages and ages to come—oppose itself to that long line of posterity which, issuing from our loins, will endure during the existence of the world? Forbid it, God! Let us look at our country and our cause; elevate ourselves to the dignity of pure and disinterested patriots, wise and enlightened statesmen, and save our country from all impending dangers. What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward? What are we—what is any man worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary?

"Now, Mr. President, allow me to make a short appeal to some Senators—to the whole of the Senate. Here is my friend from Virginia (Mr. Mason), of whom I have never been without hopes. I have thought of the Revolutionary blood of George Mason which flows in his veins—of the blood of his own father—of his own accomplished father—my cherished friend for many years. Can he, knowing, as I think he must know, the wishes of the people of his own State; can he, with the knowledge he possesses of the public sentiment there, and of the high obligation cast upon him by his noble ancestry, can he hazard Virginia's great and most glorious work—that work, at least, which she, perhaps more than any other State, contributed her moral and political power to erect? Can he put at hazard this noble Union, with all its beneficial effects and consequences, in the pursuit of abstractions and metaphysical theories—objects unattainable, or worthless, if attained

—while the honor of our own common native State, which I reverence and respect with as much devotion as he does, while the honor of that State and the honor of the South are preserved unimpaired by this measure?

"I appeal, sir, to the Senators from Rhode Island and from Delaware; my little friends which have stood up by me, and by which I have stood, in all the vicissitudes of my political life; two glorious little patriotic States, which, if there is to be a breaking up of the waters of this Union, will be swallowed up in the common deluge, and left without support. Will they hazard that Union, which is their strength, their power, and their greatness?

"Let such an event as I have alluded to occur, and where will be the sovereign power of Delaware and Rhode Island? If this Union shall become separated, new unions, new confederacies will arise. And, with respect to this—if there be any—I hope there is no one in the Senate, before whose imagination is flitting the idea of a great Southern Confederacy to take possession of the Balize and the mouth of the Mississippi—I say in in my place, never! *Never* will we who occupy the broad waters of the Mississippi and its upper tributaries consent that any foreign flag shall float at the Balize or upon the turrets of the Crescent City—Never! Never! I call upon all the South. Sir, we have had hard words, bitter words, bitter thoughts, unpleasant feelings toward each other in the progress of this great measure. Let us forget them. Let us sacrifice these feelings. Let us go to the altar of our country and swear, as the oath was taken of old, that we will stand by her; we will support her; that we will uphold her Constitution; that we will preserve her Union. and that we will pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements and bring peace and tranquility to our homes. . . . The measure may be defeated. . . . It may be defeated. It is possible that, for the chastise-

ment of our sins or transgressions, the rod of Providence may still be applied to us, may still be suspended over us. But if defeated, it will be a triumph of ultraism and impracticability—a triumph of a most extraordinary conjunction of extremes; a victory won by Abolitionism; a victory achieved by Free Soilism; the victory of discord and agitation over peace and tranquility; and I pray to Almighty God that it may not, in consequence of the inauspicious result, lead to the most unhappy and disastrous consequences to our beloved country." (Applause.)

"Mr. Barnwell: It is not my intention to reply to the argument of the Senator from Kentucky, but there were expressions used by him not a little disrespectful to a friend whom I hold very dear, and to the State which I in part represent, which seem to me to require some notice.

"'As to the State of South Carolina, I do not, as I need not, defend her by words.' . . .

"Mr. Clay: Mr. President, I said nothing with respect to the character of Mr. Rhett, for I might as well name him. I know him personally, and have some respect for him. But, if he pronounced the sentiment attributed to him of raising the standard of disunion and of resistance to the common Government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor. (Great applause in the galleries, with difficulty suppressed by the Chair.)

"The President: The Chair will be under the necessity of ordering the gallery to be cleared if there is again the slightest interruption. He has once already given warning that he is under the necessity of keeping order. The Senate Chamber is not a theater.

Mr. Clay resumed: "Mr. President, I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I

do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I will never fight under that banner. I owe a paramount allegiance to the whole Union, a subordinate one to my own State. When my State is right—when it has a cause for resistance—when tyranny, and wrong, and oppression insufferable arise, I will then share her fortunes; but if she summons me to the battle-field, or to support her in any cause which is unjust against the Union, never, *never* will I engage with her in such a cause.

"With regard to South Carolina, and the spirit of her people, I have said nothing. I have a respect for her; but I must say, with entire truth, that my respect for her is that inspired by her ancient and revolutionary character, and not so much for her modern character. But, spirited as she is, spirited as she may suppose herself to be, competent as she may think herself to wield her separate power against the power of this Union, I will tell her, and I will tell the Senator himself, that there are as brave, as dauntless, as gallant men and as devoted patriots, in my opinion, in every other State in the Union as are to be found in South Carolina herself; and if, in any unjust cause, South Carolina or any other State should hoist the flag of disunion and rebellion, thousands, tens of thousands, of Kentuckians would flock to the standard of their country to dissipate and repress their rebellion. These are my sentiments—make the most of them."

The next day, July 23d, Mr. Davis, of Mississippi, offered an amendment to Mr. Foote's proposition to restrict the State of California to the limit of 36° 30′ as her southern boundary, and to form a new Territory of the portion south of that line to be called Colorado, which should be organized under the same provision as Utah. The amendment was:

"And that all laws and usages existing in said Terri-

tory at the date of its acquisition by the United States which deny or obstruct the right of any citizen of the United States to remove to and reside in said Territory, with any species of property legally held in any of the States of this Union, be and are hereby declared to be repealed.'"[1]

The vote was taken on Mr. Davis' amendment as to the repeal of the Mexican anti-slavery laws, and it was defeated by 33 to 22.[2]

The bill of the Committee for the "admission of California as a State, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her northern and western boundaries," was still before the Senate for its consideration. There were many amendments offered and rejected—many heated discussions. It was, however, finally agreed, July 30th, that Commissioners should be appointed to settle the boundary line between Texas and the territory of the United States, and that meantime the question of territory, as between Texas and New Mexico, should be held in abeyance.

July 30th, "Mr. Norris moved to strike out from the tenth section the words 'establishing or prohibiting African slavery.'[3]

"Mr. Clay: . . . I have risen to say a few words only on the proposition before the Senate; and I do think that if my Southern friends, and my Northern friends, too, will only listen, if I am not entirely incorrect in the views I propose to present, they will concur in the motion made by the Senator from New Hampshire to strike out this clause. The clause is an interdiction imposed by Congress upon the local Legislature either to introduce or to exclude slavery. Now, sir, it appears to me to be perfectly clear that Congress has no such power according to the Southern doctrine. That doc-

[1] App. to Cong. Globe, Vol. 22, p. 1416. [2] Idem, p. 1420.
[3] Idem, p. 1463.

trine is one of clear and clean non-intervention. The amendment in the bill, on the contrary, assumes the power to exist in Congress, which is denied. For if Congress possesses the power to impose this interdiction, Congress has the power to impose the Wilmot Proviso. The only difference is, that the action of Congress in the one case is direct, and that the action of Congress in the other case is indirect. It appears to me, therefore, that upon the great principle upon which Southern gentlemen have rested the support of their rights, they ought to oppose the exercise of this power by Congress to interdict the local Legislature. Sir, it is a little remarkable that, by the one side of the Union, whose interest it should be to preserve the clause, the amendment is opposed; and that the other side of the Union, whose principles, according to my humble conception, should lead them to oppose the clause which is proposed to be stricken out, are in favor of it. In point of interest, the North should be for retaining the clause, because, if, as they suppose, and as I believe, there is at this moment an abolition of slavery in the Territories, this clause serves to continue that abolition of slavery; therefore it is to their interest to retain this clause, because it would give an additional security to the exclusion of slavery, which they desire. I know that my Northern friends, who are anxious to exclude this clause by the adoption of this amendment, go upon a higher principle than mere interest. They go upon the very principle which the South has contended for. They say—for upon this subject I have conversed with them freely—that they are aware of the advantage to their interests which might result from a retention of the clause, but that it is in contravention of the principle for which they have contended on behalf of Southern interests, and that is, the principle of non-intervention on the subject of slavery. They will sacrifice their interests for the preservation of the great principle upon which they are willing to stand with their Southern friends—the principle of

non-intervention; and which, if the amendment prevails, is the principle which pervades the entire bill, running through it from first to last. I know, sir, that another principle has been contended for by Southern gentlemen of great eminence, and that principle is, that the Constitution of the United States confers upon the slave-holder the right to carry his slaves into these Territories. If so, where is the necessity for this interdiction? The Constitution is paramount and supreme, and if the legislation of the Territory were to pass any law in violation of the Constitution, that law unquestionably would be null and void from the moment of its passage; and, as suggested by the Senator from Maryland, there is a suspension of the operation of this bill in reference to the only Territory in contest, New Mexico, this side of the Rio Grande, until this effort at compromise shall be successful, or thwarted and defeated. It appears to me, therefore, that upon the very principle for which Southern gentlemen have stood up, they should strike out this clause from the bill, and leave it a clear and indisputable bill of non-intervention, from the enacting clause to the end.''[1]

It was decided, July 31st, to strike out "nor establishing or prohibiting African slavery," by 32 to 20;[2] and so the bill was left as Mr. Douglas first wrote it, and before it was altered by the Committee.

"Mr. Pearce then moved to strike out of the bill all that related to New Mexico, and gave his reasons for so doing.

"Mr. Pearce: . . . Yesterday an amendment was adopted, on the motion of the Senator from Georgia (Mr. Dawson), by which the amendment of the Senator from Maine was amended. It provides:

" 'That until such time as the boundary line between the State of Texas and the Territory of the United States be agreed to by the Legislature of the State of Texas

[1] App. to Cong. Globe, Vol. 22, p. 1465. [2] Idem, p. 1473.

and the Government of the United States, the Territorial Government authorized by this act shall not go into operation east of the Rio Grande, nor shall any State be established for New Mexico embracing any territory east of the Rio Grande.'[1]

"Mr. Clay: I certainly can not repress the expression of my regret and surprise at this motion. What is its effect? It is to destroy one of the most valuable features of the bill, the object of which is the adjustment of this troublesome boundary question. . . .

"Mr. President, light was beginning to break upon us—land was beginning to be in sight once more—and is it possible, upon slight and unimportant amendments —amendments which will not affect the great object of this bill, upon mere questions of form and punctilio—that we shall now hazard the safety, the peace, if not the union of the country? I hope that Senators, meeting in a spirit of conciliation, and waiving slight objections, will act upon the great principles which led our fathers to adopt the Constitution, and which is suggested in the letter of the Father of his Country to the people of the United States, when he stated that there were difficulties and objections, but that all were waived in a spirit of conciliation and peace, and that they had consented to establish a government that would last through that generation and for posterity. . . ."[2]

"Mr. Pearce: The Senator from Kentucky entirely mistakes me, if he supposes that I desire to destroy the most important feature in this bill—the adjustment of the difficulties with Texas. This is not so. I expressly stated, when I submitted my motion, that my object was to reinstate all that portion of the bill which relates to that subject. I knew no other way of attaining my object; and if Senators will now indicate any parliamentary mode of getting rid of the amendment of the Senator from Georgia, and substituting another, which I

[1] App. Cong Globe, Vol. 22, p. 1473. [2] Idem, pp. 1473, 1474.

stated I would offer, and which I now hold in my hand, I would adopt it. My amendment is this:

"'The territorial government of New Mexico authorized by this act shall not go into operation until the 4th of March, 1851.'"[1]

Mr. Pearce's amendment was adopted and New Mexico was struck out of the bill by 33 to 22—Cass, Clay, and Foote voting against it, and Douglas for it.

Mr. Yulee then moved to strike out all that related to Texas, and his motion carried—by Abolition and Southern votes mainly—was opposed by Cass, Clay, Foote, Douglas, and other conservatives.

"July, 31st. Mr. Foote: I rise to express my desire that the Senator from Missouri will now offer his amendment to give us an opportunity of acting upon the territorial bill alone.

"Mr. Atchinson: As I have believed all along that the greatest weight in the omnibus was California, I now move to strike out of the bill all that pertains to her."[2]

After a long discussion and many motions, this was agreed to—Clay, Cass, Douglas and Chase voting against it—Mr. Foote for it, along with Benton, Seward, Yulee, and Davis of Mississippi.[3]

There was now only Utah left in the bill; and Mr. Benton, who could not resist any opportunity to triumph over Mr. Clay, said:

"Mr. Benton: An idea has struck me (laughter); that idea is this: Homer made a mistake when he thought he was writing history, and attributed to the pale-faced lady—about as pale as the moon, and about as cold—the labor of unraveling every night what she had woven during the day; and my opinion is that instead of writing history, he had a vision, and saw the American Senate legislating on the compromise bill. (Laughter.) . . . Gentlemen of the compromising party, from

[1] App. Cong. Globe, Vol. 22, p. 1474. Idem, p. 1483.
[3] Idem, p. 1483.

the course which I have been compelled to pursue during this session, have taken up, I am afraid, an opinion that I was not kindly disposed toward them, and now I wish to give them a proof to the contrary. Their vehicle is gone, all but one plank, and I wish to save that plank for them by way of doing homage to their work. The omnibus is overturned, and all the passengers spilled out but one. We have but Utah left—all gone but Utah! It alone remains, and I am for saving it as a monument of the Herculean labors of the immortal thirteen. I am for passing Utah this instant, by way of showing homage and respect for the committee." [1]

After various amendments offered and rejected, the Utah bill was passed in exactly the same shape, so far as regarded slavery, as when first drafted by Judge Douglas, as Chairman of the Committee on Territories—the interpolations by the Committee of Thirteen on that subject, having been all struck out, and the Territorial Legislature left untrammeled.

On the same day, August 1st, Mr. Douglas moved to take up the bill (169) for the admission of California—and to amend it by adding what was the third section of the Select Committee bill, being that in relation to public lands.

Mr. Foote proposed an amendment which would restrict the State of California to 35° 30′ as her southern limit, and would form a Territory south of that line which should be subjeet to the same provisions as Utah.

"Mr. Dawson: I do not want to discuss this question. My course in relation to these agitating questions is well understood in this body. Upon the point now before the Senate I feel a very great solicitude. Indeed, I am very desirous, as far as I am concerned, that the amendment should be adopted.

"In the month of February, of the present year,

[1] App. Cong. Globe, Vol. 22, p. 1484.

during the session of the Legislature of the State of Georgia, resolutions upon these agitating questions were passed nearly unanimously; and one of these resolutions was, that in the event of California being admitted into the Union under existing circumstances, without a word being said in relation to her boundary contrary to the claim which California sets up in her Constitution, the Governor of the State of Georgia is required to direct the election of delegates from each county in the State, which delegates shall convene in some place according to his proclamation. It is needless for me to say that that resolution at that time did not receive my approval or my approbation. I had the utmost confidence in the moderation of the United States, and in the belief that they would act justly. I used my influence to avoid and prevent the passage of those resolutions, but they passed, and they are now in the possession of the Senators of the State, intended as instructions to us as to what course to pursue.

"The adjustment bill, sir, met all these difficulties. It was drawn with a view to produce conciliation, and to restore harmony to the country, as I believe. It was drawn in a way by which this position of Georgia—taken, it is immaterial under what sort of feelings, whether under external excitement or not—might be avoided. And, sir, I take great pleasure in saying that those Senators from the non-slave-holding States who concurred with those of the South who were in favor of the proposed compromise, for the purpose of meeting every difficulty and quieting every discontent, agreed to limit the boundary of California, and that the line of 35° 30′, as alleged by my friend from Mississippi, was to have been adopted, had the proposition been presented to the Senate. We have been deprived of that; and the question is now presented to us, whether we will pursue a course in Congress to create still greater discontent and dissatisfaction. And here permit me to say, Mr. President, there is but one remedy which could be approved

by all; and that is by an amicable compromise of this question. There is another remedy—one which, I am sure, every Senator would look upon with any thing but pleasure—a remedy which may be considered by a portion of the country; and that remedy is disunion. Permit me to say, whenever that period arrives when a convention shall assemble in any one of the States of the South, under resolutions of their Legislatures, and the excited feelings of the country are to be united with the calm considerations of the injustice which it is thought, has been inflicted by the North upon the South, I should look upon the result with the deepest and most melancholy apprehension; and I, sir, forseeing these things, have united with all who have come and contributed their mite to avoid it. We have failed; and here we are now, with resolutions mandatory in their character, transmitted to Senators, to act against this measure, without the adjustment of boundary; and in the event that the bill shall be passed, which has this morning been presented, the Government of Georgia leaves no discretion as to the execution of the laws of the State; and under the oath taken by the Governor of that State, the convention will be assembled. . . .''[1]

"Mr. Clay: I wish to say only a few words. We have presented to the country a measure of peace, a measure of tranquility; one which would have harmonized, in my opinion, all the discordant feelings which prevail. The measure has met with a fate, not altogether unexpected, I admit, on my part, but one which, as it respects the country at large, I deplore extremely. For myself, personally, I have no cause of complaint. The majority of the committee to which I belonged have done their duty, their whole duty, faithfully and perseveringly. If the measure has been defeated, it has been defeated by the extremists on the other side of the Chamber and on this. I shall not proceed to inquire into the

[1] App. Cong. Globe, Vol. 22, pp. 1485, 1486.

measure of responsibility which I incurred. All I mean to say upon that subject is, that we stand free and liberated from any responsibility of consequences. How it was defeated, we know full well. The proposition of the Senator from Maryland (Mr. Pearce), made, no doubt, upon a conscientious conviction of his duty, led to the defeat—was the immediate cause of it. That proposition led to consequences, I repeat, which are fresh in the recollections of the Senate. . . .

"Now, Mr. President, I stand here in my place, meaning to be unawed by any threats, whether they come from individuals or States. I should deplore, as much as any man living or dead, that arms should be raised against the authority of the Union, either by individuals or States. But, after all that has occurred, if any one State, or a portion of the people of any State, choose to place themselves in military array against the Government of the Union, I am for trying the strength of the Government. (Applause in the galleries, immediately suppressed by the Chair.) I am for ascertaining whether we have got a Government or not—practical, efficient, capable of maintaining its authority, and of upholding the powers and interests which belong to a Government. Nor, sir, am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. If blood is to be spilled, by whose fault is it to be spilled? Upon the supposition, I maintain it will be by the fault of those who choose to raise the standard of disunion, and endeavor to prostrate this Government; and, sir, when that is done, so long as it pleases God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and arm will be on the side of my country, for the support of the general authority, and for the maintenance of the powers of this Union. (Applause in the galleries.)"[1]

"Mr. Mason: . . . Now, Mr. President, one word

[1] App. Cong. Globe, Vol. 22, p. 1486.

in regard to what fell from the Senator from Kentucky. I do not know whether that Senator speaks the opinion or judgment of a majority of the States represented on this floor. I do know that his age, his experience, and his position have enabled him, as he is entitled from his high and lofty intellect to do, to direct the measures, if not to mold the opinions of a large portion of the American people; and I heard him declare here to-day, in his place as a Senator, addressed to his brother Senators, that it is the duty of the Federal Government to take no further account of State resistance than they would do of the resistance of individuals or of private citizens against the laws of the land—

"Mr. Clay: That is not what I said. I said, and I repeat—and I wish all men who have pens to record it—that if any single State choose to raise the standard of disunion and to defy the authority of the Union, I am for maintaining the authority of the Union. That is what I said.

"Mr. Mason: That is exactly what I understood the honorable Senator to say—that resistance made under the authority of a State is no further to be respected by the authorities of the United States than if it were made by a body of individuals on their own score.

"Mr. Clay (in his seat): No further; none whatever.

"Mr. Mason: . . . Now, sir, how do these States stand? There is my honored Commonwealth, whose limits are within view from the doors of this Capitol, and other States south of this, including Georgia, all of whom, through their own constituted authorities, have declared, and placed it upon their statute books, that they will resist what they believe to be an unconstitutional act of power on the part of the Federal Government, should it be done, in reference to the slave question. The Senator from Kentucky replies to them distinctly, 'Resist at the peril of blood, if you do it;' and that his counsel and aid shall be given to the bayonets of the Federal Government to reduce them to submission.

Sir, it is well they should know it; and now they do know it, so far as the potential voice of that Senator—and potent it is—can enforce it. Let it go to them, as it will do, contemporaneous with the action of the Congress of the United States upon this question of the exclusion of slavery in the Territories. Sir, I wish to add no heat to this discussion—none in the world. The subject is one that we should deliberate on calmly and temperately, and I hope we shall do it. I feel at liberty to speak for the State of Virginia only so far as I believe I understand what she designs to do. To that extent I am bound to speak. I believe, sir, in my best and settled judgment, that when a law shall be passed by the Congress of the United States and become the law of the land, which shall by its act exclude the people of the State from taking their slaves into territory south of the Missouri Compromise line, Virginia will do what has been declared in her resolutions already—not threatening resistance—she will take such measures, by her own sovereignty, as in her judgment will be best calculated to preserve the Union, if it can be preserved, and if not, to preserve her own safety and her own welfare out of the Union."[1]

"Mr. Butler: . . . The State of South Carolina, Mr. President, has been too often alluded to for one of her representatives to mistake the aim. I do not think that South Carolina has ever gone further, or has gone as far as other Southern States in the Union. The Senator from Kentucky limited his remark to a single State or the people of a single State. My friend from Virginia noticed that part of his remark, and I shall not add any thing by way of amplification. . . . . There may be a contest, and it will not be made by a single State. The gentleman will have to encounter a combination of States. He may wish to select a State or the people of a State. I will not deny to him the

[1] App. Cong. Globe, Vol. 22, p. 1489.

tribute I have paid his talents. I could not withhold what history may award; but in such a contest, his name will be as nothing. I believe he loves this Union, that his fame is identified with it, and I pardon much in one whose history is so much connected with it; but he must pardon me at the same time for saying, that in his eagerness to preserve this Union, he is advocating doctrines and using language that will destroy it. Praises of the Union are not devices that will tend to preserve it. Do justice to the obligations of the Constitution—do justice and not insult the weak; that is the way to inculcate harmony." . . .

"Mr. Clay: . . . Mr. President, I have said that I want to know whether we are bound together by a rope of sand or an effective, capable Government, competent to enforce the powers therein vested by the Constitution of the United States. . . .[1]

"And with respect to my country, the honorable Senator speaks of Virginia being my country. The Union is my country; the thirty States are my country; Kentucky is my country, and Virginia no more than any other of the States of this Union. She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own State, if my own State lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union, I would go against her. I would go against Kentucky herself in that contingency, much as I love her."

More debate—more discussion—very heated.

Mr. Foote's amendment was lost. Mr. Douglas' accepted. The bill was still debated day by day.

"August 5th. Mr. Pearce, pursuant to notice, asked and obtained leave to introduce the following bill:

"A bill proposing to the State of Texas the establish-

[1] App. Cong. Globe, Vol. 22, p. 1490. [2] Idem, p. 1491.

ment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claim upon the United States."[1]

This bill, with some amendments, passed August 9th, by 30 to 20, the extremists of both sections joining in the vote against the bill, and was as follows:

"*Be it enacted, etc.*, That the following propositions shall be and the same hereby are offered to the State of Texas, which, when agreed to by the said State, in an act passed by the General Assembly, shall be binding and obligatory upon the United States and upon the said State of Texas. *Provided*, That the said agreement by the said General Assembly shall be given on or before the 1st day of December, 1850.

"*First.* The State of Texas will agree that her boundary on the north shall commence at the point at which the meridian of one hundred degrees west from Greenwich is intersected by the parallel of 36° 30′ north latitude, and shall run from said point due west to the meridian of one hundred and three degrees west from Greenwich; thence her boundary shall run due south to the thirty-second degree of north latitude; thence on the said parallel of thirty-two degrees of north latitude to the Rio Bravo del Norte; and thence with the channel of said river to the Gulf of Mexico.

"*Second.* The State of Texas cedes to the United States all her claim to territory exterior to the limits and boundaries which she agrees to establish by the first article of this agreement.

"*Third.* The State of Texas relinquishes all claim upon the United States for liability for the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, custom-house revenue, arms and munitions of war, and public buildings, with their sites,

[1] Cong. Globe, Vol. 21, p. 1520.

which became the property of the United States at the time of the annexation.

"*Fourth.* The United States, in consideration of said establishment of boundaries, cession of claim to territory, and relinquishment of claims, will pay to the State of Texas the sum of ten millions of dollars, in a stock bearing five per cent interest, and redeemable at the end of fourteen years, the interest payable half-yearly at the Treasury of the United States.

"*Fifth.* Immediately after the President of the United States shall have been furnished with an authentic copy of the act of the General Assembly of Texas, accepting these propositions, he shall cause the stock to be issued in favor of the State of Texas, as provided for in the fourth article of this agreement. *Provided*, That not more than five millions of said stock shall be issued until the creditors of the State holding bond and other certificates of stock of Texas, for which duties on imports were specifically pledged, shall first file at the Treasury of the United States releases of all claim against the United States for or on account of said bonds or certificates, in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States. *Provided, also*, That nothing herein contained shall be construed to impair or qualify any thing in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."[1]

On the 13th, the question was taken, and the bill for the admission of California passed the Senate by 34 to 18—the minority being all Southern men—Foote and Berrien among them, though they were two of the most conservative men of their section. The vote is given in full:

[1] Cong. Globe, Vol. 21, pp. 1555, 1556.

"*Yeas*—Messrs. Baldwin, Bell, Benton, Bradbury, Bright, Cass, Chase, Cooper, Davis (of Massachusetts), Dickinson, Dodge (of Wisconsin), Dodge (of Iowa), Douglas, Ewing, Felch, Greene, Hale, Hamlin, Houston, Jones, Miller, Norris, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, Whitcomb, and Winthrop—34.

"*Nays*—Messrs. Atchison, Barnwell, Berrien, Butler, Clemens, Davis (of Mississippi), Dawson, Foote, Hunter, King, Mason, Morton, Pratt, Rusk, Sebastian, Soule, Turney, and Yulee—18.

"So the bill was passed."[1]

Mr. Douglas now moved that the Senate should take up the bill to establish a territorial government for New Mexico.

GOVERNMENT FOR NEW MEXICO.

"The Senate proceeded to the consideration of the special order, being the bill providing for the establishment of a territorial government for the Territory of New Mexico.

"Mr. Douglas: The bill, as originally proposed, was for the establishment of territorial governments for Utah and New Mexico, and also to settle the Texan boundary. The bill for the establishment of a government in Utah has already passed the Senate, and I move to strike out of this bill all relating to that subject.

"The motion was agreed to.

"Mr. Douglas: I now move to strike out the thirty-third section, relating to the Texan boundary, that also having been already disposed of.

"The motion was agreed to. . . .

"Mr. Douglas: I now offer the following amendment, as an additional section to the bill:

"*Be it further enacted*, That the provisions of this act be, and they are hereby suspended, until the disputed

[1] Cong. Globe, Vol. 21, p. 1573.

boundary between the United States and the State of Texas shall be adjusted by the mutual assent of the parties; and when such adjustment shall have been effected, the President of the United States shall issue his proclamation declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.

"Mr. Mason: I do not mean to be hypercritical at all, but I suggest to the Senator from Illinois that the amendment will be just as perfect if he strikes out the word 'disputed.'

"Mr. Douglas: I see no objection to striking it out.

"The amendment was modified accordingly by striking out the word indicated.[1]

"Mr. Foote: I wish now to offer an amendment. . . . by inserting the following proviso, after the word New Mexico, in the eighth line:

"*Provided, further,* That, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their Constitution may prescribe at the time of their admission.

"Question! Question!

"Mr. Chase: I ask for the yeas and nays on that amendment.

"The yeas and nays were not ordered.

"The question was then taken on the amendment of Mr. Foote, and it was agreed to."

"Mr. Hale: I have now an amendment to offer precisely similar to one which received the sanction of the Senate, and was incorporated in the compromise bill. In section twenty-five, line forty-two, after the word dollars, insert—

"Except only that in all cases involving title to slaves, the said writs of error or appeals shall be al-

[1] Cong. Globe, Vol. 21, p. 1583.

lowed and decided by the said Supreme Court, without regard to the value of the matter, property or title in controversy; and, except, also, that a writ of error or appeals shall also be allowed to the Supreme Court of the United States from the decision of the said Supreme Court created by this act, or of any judge thereof, or of the District Courts created by this act, or of any judge thereof, upon any writ involving the question of personal freedom.

". . . . In the same section, line forty-five, after the words 'United States,' I move to insert what I send to the Chair. I would also say that it is copied from the amendment which was adopted in the other bill, and it is intended to grant writs of *habeas corpus*, which, as the bill now stands, could be had by implication only:

"And the said Supreme and District Courts of the said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

"The amendment was agreed to.

"Several Senators: 'Now take question on the bill.'

"There being no further amendments, the bill was reported to the Senate.

"The President: The question is now on concurring in the several amendments which have been made as in Committee of the Whole. The question will be taken upon them separately, if required. If not, it will be taken upon them altogether.

"Several Senators: 'All together, all together.'

"The question was then taken on the amendments all together, and they were concurred in.

"The bill was then ordered to be engrossed for a third reading without a division.[1] And on the next day it was passed by a vote of 27 to 10."[2]

[1] Cong. Globe, Vol. 21, p. 1585. [2] Idem, p. 1589.

"August 14th. Mr. Hunter presented a protest against the admission of California, addressed to the courtesy of the Senate, with the request that it be 'read and spread upon the Journals of the Senate.' It was signed by

J. M. Mason, R. M. T. Hunter, } Virginia.
A. P. Butler, R. B. Barnwell, } South Carolina.
H. L. Turney, Tennessee.
Pierre Soule, Louisiana.
Jefferson Davis, Mississippi.
David R. Atchison, Missouri.
Jackson Morton, D. L. Yulee, } Florida.

"Senate Chamber, August 13, 1850."[1]

August 15th. On motion of Mr. Norris, the question of reception of the Southern Protest was taken up, and it was laid on the table by a vote of 22 to 19.[2][3]

California, New Mexico and Utah and the Texas Boundary Question, having been disposed of, there remained only the Fugitive Slave Law, and the District of Columbia matter, to be dealt with.

The Fugitive Slave Law, as passed by the Congress of 1850, was a substitute by Mr. Mason, of Virginia, for the bill recommended by the Committee of Thirteen.

It recited that: "For the purpose of enabling the citizens of one State or Territory, or of the District of Columbia, to reclaim fugitives from service or labor, who have already or may hereafter escape into some other State or Territory of the United States, as provided for by the third clause of the second section of the fourth article of the Constitution of the United States."

[1] Cong. Globe, Vol. 21, p. 1588.

[2] The protest was, however, after considerable debate, spread upon the record, where it is still to be seen, in evidence of the attitude of the ultra Southern men of that day.—Author.

[3] Cong. Globe, p. 1588.

Commissioners should be appointed in every county of the States or Territories by the judges of the District or Superior Courts; and whose duty it should be to hear evidence and to determine all cases arising under the same clause.

"SEC. 2. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed."

Furthermore, these marshals were authorized "to summon and call to their aid the bystanders, or *posse comitatis*, of the proper county when necessary to insure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to act and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid for that purpose. . . . In no trial or hearing under this act, shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of said person or persons, by any process issued by any court, judge, magistrate, or other persons whomsoever.

"SEC. 4. *And be it further enacted*, That any person who shall knowingly and willfully obstruct, hinder or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her or them from arresting such a fugitive from service or labor, either with or without process as aforesaid; or shall rescue or attempt to rescue such fugitive from service or labor from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet,

or assist such persons, so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offenses, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which such offenses may have been committed, or before the proper court of criminal jurisdiction if committed within any one of the organized Territories of the United States, and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, to be recovered by action of debt, in any of the district or territorial courts aforesaid, within whose jurisdiction the said offense may have been committed. . . . And should such fugitive, at any time after being arrested as aforesaid, by warrant as aforesaid, be rescued by force from those having such fugitive in custody, then it shall be lawful for such claimant, his agent or attorney, to exhibit proof of such arrest and rescue before any judge of the Circuit or District Court of the United States for the State where the rescue was effected; and upon such arrest and rescue being made to appear to him by satisfactory proof, and that the same was without collusion, and further, that the service or labor claimed from such fugitive was due to such claimant in the State, Territory or District whence he fled, it shall be the duty of such judge to grant to such claimant, his agent or attorney, a certificate of the facts so proved, and of the value of such service or labor (in the State, or Territory or District whence the fugitive fled) to said claimant, to be proved in like manner; which certificate, when produced by such claimant or his attorney,

shall be paid at the Treasury, out of any moneys therein not otherwise appropriated, and the same shall be filed in the Treasury as evidence of so much money due from the State or Territory where such rescue was effected to the United States, and shall be by the Secretary of the Treasury reported to Congress at the next session ensuing its payment. *Provided*, That not more than $—— in case of a male, or $—— in case of a female fugitive shall be so allowed or paid."[1]

This bill was passed August 26th, with some few minor amendments. The vote upon it is not recorded in the Globe, which is a little singular. And it was said that the Northern men who voted for it dared not let their constituents have the proof of it. It was entitled "An act to amend, and supplementary to the act entitled, 'An act respecting fugitives from justice, and persons escaping from the services of their masters,' approved February 12, 1850."[2]

In the course of debate on this question, Mr. Pratt said, August 20th: "I read this morning in the Union the abstract of a speech delivered by a member of this body (Mr. Seward) before the people of a non-slave-holding State of this Union, which shows the character of the aggressions which have excited the feelings of the South upon this subject. Permit me to read two extracts from that speech.

"I ask the attention of those Senators, who, at one time, were disposed to protect the individual referred to from the just censure which his remarks, made in this body, ought to have imposed upon him, to the sentiments expressed by him on this occasion:

" 'It is written (says he) in the Constitution of the United States that five slaves shall count as equal to three freemen, as a basis of representation; and it is written also *in violation of the divine law*, that we shall

[1] App. Cong. Globe, Vol. 22, p. 1582.
[2] Cong. Globe, Vol. 21, p. 1660.

surrender the fugitive slave who takes a refuge at our firesides from his relentless pursuer.'

"Then his advice is, 'Reform your own code.' This is the advice given to the people of Ohio, a non-slave-holding State, at a mass-meeting, and given to a people who have produced as much of this excitement on the subject of fugitive slaves as those of any other State. This is the advice given to that people by one standing high in the estimation of his own State:

" 'Reform your code, extend a cordial welcome to the fugitive who lays his weary limbs at your door, and *defend him as you would your household gods.*'

"Yes, sir; 'defend him as you would your household gods.'

"Mr. Foote: What Senator do you allude to?

"Mr. Cass: The 'higher law.'

"Mr. Pratt: That is it.'"[1]

September 3d the bill for the suppression of the slave trade in the District of Columbia was taken up. Mr. Seward offered a substitute, abolishing slavery in the District entirely. It was shown that there were not over six hundred slaves in the District. Mr. Seward's bill proposed that the Government pay their owners for them.

Mr. Winthrop, of Massachusetts, spoke against the substitute.

"Mr. Winthrop. . . . But, sir, is there not something more in this proposition, which is contrary to all the views which have ever been entertained in regard to such a measure, if it should at any time be passed and carried through? This amendment provides for the immediate emancipation of all the slaves in this District. And has the honorable Senator made the slightest provision for their condition after they are emancipated? What is to become of them? They are to be taken away from their masters. The masters are, to some extent,

[1] App. Cong. Globe, Vol. 22, p. 1592.

to be paid for them. Provision is to be made by the Secretary of the Interior for compensating the proprietors for any damages which may result to them from taking away their slaves, to the aggregate amount of two thousand dollars. But what is to become of these poor people themselves? . . . When the abolition of these accursed depots for carrying on the slave trade in the District of Columbia seems just within our grasp, I must repeat, sir, that I do most deeply deplore that the honorable Senator from New York should embarrass and perhaps defeat our action, by a proposition so indiscreet, so ill-digested and so impracticable every way, as that which he has offered."

"Mr. Badger. . . . But permit me to say, I was extremely sorry that my friend and colleague (Mr. Mangum), under the influence of a just feeling of excitement at the introduction of this measure here, should have proposed to abandon the bill now under consideration. I am not to be driven from my propriety by the movements of the honorable Senator from New York (Mr. Seward). Not at all. I shall vote for what I deem right, and I will not be driven from voting for it because a Senator produces a proposition which asks my consent to what I know is wrong. And permit me to say to my colleague, that if he desires to play into the hands of the Senator from New York, if he wishes to become his ally and assistant, if he desires to promote his objects, if he goes for a disturbance of the country, or a dissolution of the Union—and I know he desires none of these things—let him be led by the excitement on the present occasion to vote down this bill abolishing the slave trade in the District of Columbia. My own opinion is, that nothing could answer the ends or purposes, and I think that it is highly probable that nothing would gratify the wishes of the Senator from New York more than to see this bill voted down. Let him go before the Northern people and say to them that Southern men not merely maintained the rights of property, not

merely stood up against any violation of them, not merely insisted that measures should not be adopted which might have an evil and sinister look towards an invasion of their rights, but that they are disposed to maintain all the abominations that cupidity and avarice may have cast around the institution of slavery; that they will correct no abuses and lend no assistance for the purpose of removing whatever may be justly offensive in connection with slavery in this District; and my word for it, he will gain more of influence and control over the Northern mind than he now possesses, and more, I am sure, than my friend and colleague will be disposed to concede to him, and which, I know, he would not directly aid in conferring upon him. . . ."

"Mr. Hamlin, of Maine: . . . But there is an objection to the amendment offered by the Senator from New York, which would control my vote, if there were no other reason in the matter. He proposes to take from the National Treasury a sum of money to pay for the persons to be emancipated here by the provisions of his amendment. I would like very well to learn from that Senator, or from any other Senator, by what provision of the Constitution, by what authority or by what power we can appropriate money from the Treasury for the purpose of paying for emancipated slaves? I know of none. Besides that, I know of no State, and I shall be very glad to be informed if there is one, in which, where slaves have been emancipated, payment has been made for them."[1]

Mr. Seward's substitute[2] was rejected—and on the 14th of September, the bill was ordered to its third reading and was as follows:

"*Be it enacted, etc.*, That from and after the first day of January, eighteen hundred and fifty-one, it shall not be lawful to bring into the District of Columbia any

[1] App. Cong. Globe, Vol. 22, p. 1646.

[2] The reader can make his own comments on Mr. Seward's course.

slave whatever, for the purpose of being sold, or for the purpose of being placed in depot, to be subsequently transferred to any other State or place to be sold as merchandise. And if any slave shall be brought into the said district, by its owner or by the authority and consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.

"SEC. 2. *And be it further enacted*, That it shall and may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary to abate, break up, and abolish any depot or place of confinement of slaves brought into the said district as merchandise, contrary to the provisions of this act, by such approbriate means as may appear to either of the said corporations expedient and proper. And the same power is hereby vested in the levy court of Washington county, if any attempt shall be made within its jurisdictional limits to establish a depot or place of confinement for slaves brought into the said district as merchandise for sale contrary to this act."[1]

Upon the final question of its passage, September 16th, Col. Benton could not resist the temptation of again crowing over Mr. Clay. His characteristic weaknesses, egotism and personal vanity, would crop out upon all occasions. Though a man of fine ability, of great influence, and of many good qualities, he was yet so pompous, bombastic, and overbearing as to destroy very much of the admiration that would otherwise have been felt for him.[2]

[1] App. Cong. Globe, Vol. 22, p. 1674.

[2] Col. Benton's egotism and bombast were the cause of a practical joke being played upon him when a young man, that probably cost him very dear. A number of young cousins were collected at the home of their grandmother Hart in North Carolina, Thomas Hart Benton among them. He was so overbearing and pompous in his assumption of superiority that the other lads determined to give him a lesson in humility. Accordingly, whilst he was asleep, they took his cravat and secreted in it a five-dollar bill (I think that was the amount). In the morning, at

And Mr. Clay, while a steady object of his dislike, took but little notice of his assaults—which were a good deal like the blustering of the wind against the great monarch of the forest.

breakfast, one of the lads put his hands in his pocket, and exclaimed in great apparent consternation, "I have lost a bill out of my pocket,"—then, turning to the others, said angrily, "some of you have taken my money, it was there last night, and there was no one else in the room." They all protested their innocence, young Benton as well. Finally it was proposed to prove it by search of each one. It was agreed to, and lo! when they came to Tom Benton, there, in his cravat, was found the missing bill. His anger and mortification knew no bounds, and can be better imagined than described. After enjoying his discomfiture long enough they explained the trick they had played upon him. He could scarcely have forgiven them, could he have foreseen that the story would get out as true; and that during his future career, whenever he was spoken of as a candidate for the Presidency, which was the dearest ambition of his life, the "cravat" episode would furnish his enemies and political opponents with material for attacks upon him which would succeed in defeating his most cherished hopes.

The incident, as above given, was related by Rebecca Hart one of the young cousins who were visiting their grandmother, and who was acquainted with all the circumstances.

There can be no doubt that it is the correct version of the "Cravat Story," to which Gov. Wise alludes in his interesting work, "Seven Decades of the Union," in the most pointed way, and which he evidently believed to be true as currently told. He there gives a most graphic account of a scene in the Senate Chamber in 1837, when Hon. B. Watkins Leigh, of Virginia, in a speech against "expunction," was illustrating with great power the meaning of the words "to keep"—"and of its meaning *in continuando*," "to keep a journal,"—and said: "Mr. President, in that catechism which I learned at my mother's knee, I was taught to keep—to keep—to keep my hands from picking and stealing, and my tongue from evil speaking. . . ."

"A pin might have been heard to drop on the floor of the Senate; there sat Mr. Benton, swinging back in his chair, his eyes looking up to the wall, patting his foot, and Mr. Leigh's eyes fixed on him for some seconds, which seemed hours. Breaths were drawn when those eyes were taken off him. It was the touch of Ithuriel's spear, and the cravat of Chapel Hill was revealed as plainly as the "toad-squat" was shown to be Lucifer himself. (Seven Decades of the Union, pages 141 and 142.)

Mr. Leigh afterward disclaimed any allusion to Col. Benton, as Gov Wise states—but the "Cravat Story" was a fearful punishment for so common a fault as egotism, and a fearful consequence of a thoughtless practical joke.—AUTHOR.

"Mr. Benton: I wish this morning to make a remark which is called for by what has taken place. I am one of those who insisted, both as a matter of right and as a matter of expediency, that certain bills, commonly called the omnibus, should be separated and treated on their own merits. I was answered by arguments of expediency, that the bills would pass sooner altogether, and that hereby a better effect would be produced in settling the public mind. I disagreed with those arguments, and I then brought upon myself a great deal of censure in some parts of the country, and especially in my own State. The thing is now over, the votes have been taken, and the results tell, what history will tell, that I was right in every thing that I said. We have had votes upon every subject, and when separated every subject passed, passed quickly, without a struggle, and by a great majority, and the effect on the public mind has been just as sedative as if the whole dose had been taken at once. And, sir, when we come to look into the yeas and nays on the four leading measures, the admission of California, the territorial government for Utah and New Mexico, and the settlement of the Texan boundary question, we find that the yeas who voted for all the four measures amount to just seventeen! and counting in one who was absent (Mr. Clay), they would have been just eighteen—eighteen out of sixty." . . .

"Mr. Clay: I have not risen to say one word upon these subjects. The events of the last few weeks are not, in my opinion, a proper subject for individual triumph or for indulgence of a spirit of egotism. They are the triumphs of the country, the triumphs of the Union, the triumphs of harmony and concord in the midst of a distracted people. The question as to whether the measures should have been combined or separated was the merest question of form that ever concurred; and I venture to say that, if there had been no opposition to the combination, these measures would all have passed three or four months ago." . . .

"Mr. Benton: The day has not yet come when any Senator can come upon this floor and lay down a plan of operations, and permit no opposition to be made to it, or call gentlemen to account or charge them with the delay of business because they do not submit to the proposed plan. We have not yet arrived at this point. Such a point has existed in some countries; it has existed in France under her old monarchs, but the effect was to help take away her kings. The day was when Louis XIV., although considered a monarch of good taste in general, and a proud man, walked into the hall of Parliament, sitting as a Bed of Justice, with a whip in his hand, and required his edict to be registered. But we have not come to that day yet; and when it does come, if ever, there will be found resistance on this floor. I have a right to resist a measure, come from whom it may; and on this occasion the result proves I was right; the result proves that we have lost four months about a matter which was unparliamentary, and which has failed, and the moment that it failed every thing which was proposed was accomplished; at that moment, the cats and dogs that had been tied together by their tails four months, scratching and biting, being loose again, every one of them ran off to his own hole and was quiet. (Laughter.) We then passed the bills *instanter*, when we had the different subjects disentangled, and without the aid of the Senator from Kentucky (Mr. Clay), and with the aid of only four votes from the Committee of Thirteen.

"Mr. Foote: . . . Whatever may be the opinion of others here, I have a decided opinion, which I believe is concurred in throughout the United States, that, but for the change which has taken place, both in the public mind of the country and the Congressional mind within the last six months, all of these measures would not have been passed. But for their being combined so as to produce a free discussion here—but for their being made the basis of a free interchange of opinion in the

two Houses of Congress and in the newspapers of the country, and the consequent change effected in the public mind, the great scheme now so triumphantly adopted would not have become a part of the law of the land. So the impartial historian will hereafter record. As to tyranny and oppression, I have but a word to say. I should be the last man in the Senate, I hope, to incur a charge of being either tyrannical or oppressive; but, if we have been the subjects of tyranny, if a domineering course has been at one time pursued here, and if we have borne it with patience for years, yes, sir, for almost thirty years entire, thank God! we may exclaim, at last, 'BEHOLD THE TYRANT PROSTRATE IN THE DUST, AND ROME AGAIN IS FREE.' "[1]

"Mr. Dickinson: . . . Sir, I will add that neither the Committee of Thirteen nor Congress have settled these questions. They were settled by the healthy influence of public opinion; and in my estimation have been settled more surely and satisfactorily because the whole questions were before the Senate and the country at one time and under discussion and consideration together."[2]

"Mr. Douglas: I do not deem it very profitable now to stop to inquire whether it would have been better to have passed the several bills jointly or separately; the important point was to secure their passage. The particular form of the proceeding was a matter of small moment. I supported them all as a joint measure, and when they failed I supported each as a separate measure. I had no idea of losing the great measures which my judgment approved, and upon which I believed the peace and quiet of the country depended, by a petty

[1] Col. Benton was the "tyrant" to whom Mr. Foote alluded—Foote's fiery, impulsive nature could ill brook Benton's supercilious ways. They had had a personal difficulty on the floor of the Senate of a serious nature, and Foote evidently rejoiced that Col. Benton's term of "Thirty Years in the Senate" was about to expire.—AUTHOR.

[2] Cong. Globe, Vol. 22, p. 1829.

quarrel as to the mode in which the thing should be done. The Committee on Territories hesitated long and deliberated well whether we should report the measures in separate bills or combine them all in one when we first brought them before the Senate. I prepared the bills for California, Utah, New Mexico, and the Texas boundary separately, and laid them before the Committee in that shape, with the view of taking the judgment of the Committee whether they should be joined together or kept separate. The decision of that point involved no principle; it was purely a matter of policy. We came to the conclusion that it was expedient to pass California separately, and to unite the governments for Utah and New Mexico with the Texas boundary in one bill, and accordingly I reported them from the Committee on Territories in that shape. When the Committee of Thirteen subsequently united these two bills in one and recommended their passage in that form, I gave them my cordial support. I could see no reason why I should oppose my own bills merely because they had been united together. My object was to settle the controversy and to restore peace and quiet to the country, and I was willing to adopt any mode of proceeding and to follow any gentleman's lead which could bring us to that desirable result. When the omnibus bill was defeated, I fell back upon my own separate bills, which, fortunately for the country, received the sanction of the two Houses of Congress and became the laws of the land. California, Utah, New Mexico, the fugitive slave bill, and the bill for the abolition of the slave trade in the District, each passed the Senate as separate measures. In the House, New Mexico was joined to the Texan boundary, and both passed as one bill. Thus it will be seen that neither plan has entirely succeeded. No man and no party has acquired a triumph, except the party friendly to the Union triumphing over Abolitionism and disunion. The measures are right in themselves, and, collectively, constitute one grand scheme of

conciliation and adjustment. They were all necessary to the attainment of this end. The success of a portion of them only would not have accomplished the object; but all together constitute a fair and honorable adjustment. Neither section has triumphed over the other. The North has not surrendered to the South, nor has the South made any humiliating concession to the North. Each section has maintained its honor and its rights, and both have met on the common ground of justice and compromise. It will always be a source of gratification and just pride to me that I had the opportunity of acting an humble part in the enactment of all these great measures, which have removed all causes of sectional discontent, and again united us together as one people.'"[1]

More talk, and the yeas and nays were ordered and the bill passed by 33 to 19:

"*Yeas*—Messrs. Baldwin, Benton, Bright, Cass, Chase, Clarke, Clay, Cooper, Davis of Massachusetts, Dayton, Dickinson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Ewing, Felch, Fremont, Greene, Gwin, Hale, Hamlin, Houston, Jones, Norris, Seward, Shields, Spruance, Sturgeon, Underwood, Wales, Walker, Whitcomb, and Winthrop—33.

"*Nays*—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis of Mississippi, Dawson, Downs, Hunter, King, Mangum, Mason, Morton, Pratt, Sebastian, Soule, Turney, and Yulee—19."[1]

And so was ended for the time this great controversy in the Senate of the United States, which had convulsed the entire country for months, and threatened most strongly to end in civil war.

The House offered some amendments to the Senate bills in which the Senate concurred; and the Compromise measures of 1850, which utterly repudiated the principle of the Missouri Compromise Act of 1820, viz.,

[1] Cong. Globe, Vol. 22, p. 1830.

the division of the territory by a geographical line, and most emphatically adopted, instead, the principle of absolute *non-intervention by Congress* with the subject of slavery, became the law of the land.

Congress adjourned from its labors, September 30th, and the country drew a long breath of relief.

CHAPTER XV.

1851-52—Division and defeat of the Whig Party in Kentucky in 1851—Archibald Dixon elected Senator, December 30th, *vice* Henry Clay, resigned—Division and disintegration of the National Whig Party in 1852—Death of Henry Clay.

The Compromise of 1850 had been passed by the Congress of the United States and accepted by patriots every-where, but it did not produce that harmony and peace which had been hoped for.

The Abolitionists and Free Soilers loudly demanded the repeal of the fugitive slave law; and Northern press and pulpit were arrayed in ominous unity against its execution. Not only had Mr. Webster been refused the use of Faneuil Hall to speak in, because of his support of this law, but many of the Northern papers denounced him as a renegade to his own party and people. His patriotism, his splendid abilities, his great services to his country, were all lost sight of and overshadowed by the angry prejudice and passion which had taken the place of common sense and justice. Politically dead, he could no longer control the tide of abolitionism which threatened to sweep the North like a tornado.

The declarations of Theodore Parker were to a great degree, instead, accepted by Northern Whigs, viz: "*That the natural duty to keep the law of God overrides the obligation to observe any human statute.* . . . It is the natural duty of citizens to rescue every fugitive slave from the hands of the marshal who essays to return him to bondage—to do it peaceably if they can, forcibly if they must, but by all means do it. . . . The fugitive has the same natural right to defend himself against the slave catcher or his constitutional tool, that he has against a murderer or a wolf. . . . If I were the

fugitive and could escape in no other way, I would kill him with as little compunction as I would drive a mosquito from my face."[1]

Mr. Julian, of Indiana, Democrat and Free Soiler, elected to Congress from his district, declared he would resist the execution of this law at the peril of his life, and said in a public speech:

"If I believed the people I represent were base enough to become the miserable flunkies of a God-forsaken Southern slave hunter by joining him or his constables in the bloodhound chase of a panting slave, I would scorn to hold a seat on this floor by their suffrage, and I would denounce them as fit subjects for the lash of the slave driver."[2]

From the great Northern cities, the free negroes (or runaways, perhaps) fled by hundreds to Canada, under the real or pretended fear of being captured as slaves. "The Fugitive Slave!" "The Panting Slave!" "Freemen to be Made Slaves!" were some of the headings of calls for meetings "to resist oppression," etc., etc., *ad libitum*.

In the June of 1851 was issued the first number of that famous work of fiction by Mrs. Harriet Beecher Stowe, "Uncle Tom's Cabin," which produced an unparalleled sensation, such as was scarcely equaled by Dante's "Inferno" on its first appearance; and which unquestionably did as much, if not more, than any other one thing to precipitate the war between the States. It idealized the negro in the most exaggerated way, and excited the Northern mind intensely against that institution which could render possible such wrongs as were described as being inflicted by the Yankee overseer, "Legree," upon the saintly old darky, "Uncle Tom."

This trend of public sentiment at the North produced a corresponding uneasiness at the South, and South

[1] Theodore Parker, Boston, September 22, 1850.

[2] Louisville Journal, June 11, 1851.

Carolina, whilst her Legislature passed laws for the better protection of her free negro population and against their further degradation, whilst her churches were vying with one another in extending the benefits of religious instruction to the negroes of all conditions, still continued to muster her soldiers with the fixed idea of being prepared "for any emergency that may arise;" and Geo. D. Prentice sarcastically advised them "to look carefully to their flints," as "the Yankees, in anticipation of a fight," might "have cunningly managed to supply their enemies with horn gun-flints."

Kentucky meantime was true to the Union to the heart's core, but her great Whig party, so long successful in the past, was in a perilous position. Its disintegration, begun in 1849, had not been checked by the differences among Whigs as to the Old and New Constitutions; nor yet by the crystallization of the emancipation sentiment of one portion of the Whigs, and of the ultra pro-slavery sentiment of another portion of them. The Whigs themselves fully realized the danger they were in of losing the State in the coming election of Governor, which was now to take place under the New Constitution.

The Democrats were also well awake to the situation; they were fully apprised of their own advantages, and were never better organized and equipped. They virtually were understood to be opposed to the measures of 1850, which they thought had originated with the great Whig leader; but in their convention of February, 1851, they expressed a conditional assent to the compromise, in their platform, and proceeded to nominate what they considered, and what unquestionably was, the strongest ticket they could have presented to the people of Kentucky—Lazarus W. Powell, of Henderson, as Governor, and Robert N. Wickliffe as Lieutenant-Governor.

Gov. Powell was one of the most amiable and genial of men; of fine intellect and character, as true as steel, bold, firm and decided of purpose; he won friends

wherever he went by his charm of manner, his lack of all affectation of superiority, his hearty greeting to the lowest as well as the highest, and a rich sense of humor that made him a welcome guest in the humble cabin as in the palatial dwelling. He had had the opportunity to become well acquainted with the people of his State in 1848, when he had canvassed it in opposition to John J. Crittenden, who was elected by a triumphant majority while the Whig party was still in the ascendency, and previous to its division on the emancipation question in 1849.

The Whigs regarded Archibald Dixon, also of Henderson, as the strongest man they could select; the most popular Whig in the State at the time, they believed his personality and high character would go farther to reconcile the differences in the party than that of any other Whig. They knew, that if united, they had nothing to fear from their opponents; but they also knew that on the subject of slavery they were irrevocably divided, and Mr. Dixon was the only man in whom they had any hope of uniting the broken links of party affiliation.

The calls upon him to become their candidate were so numerous and pressing that in January of 1851, he considered it necessary to issue the following address:

"*To the Whigs of Kentucky.*—Connected as my name has been with the next gubernatorial canvass in Kentucky, I feel it due to myself, to my friends, and the Whig party, with whose members I have all my life been associated in feeling and in principle, and with whom I hope to live and die associated, to give a short explanation of the position which a combination of circumstances forces me to assume. I am the more thoroughly convinced of the propriety of this course, from the fact (of the existence of which none are ignorant) that the members of the Whig party have been, and still are, divided by sectional feelings, local jealousies and differences of opinion, upon questions connected with the organic law of the State and State policy; and that these divisions can

only be healed by a spirit of forbearance, of mutual concession, and a determination on the part of every good Whig to lay aside personal preferences in the selection of the candidates who are to be the standard bearers of the great Whig party in the fierce and fiery conflict which is to have its termination on the first Monday in August next. As a member of the State Convention that framed the New Constitution, my course on the subject of slavery, if not ultra, was at lest objectionable to a great many true and conscientious Whigs, who not only believed slavery a great evil, but that the earliest steps possible should be taken to rid the State of its existence. Actuated by a high sense of public duty, and honestly differing with those entertaining such opinions, every effort on their part, tending to the accomplishment of their purpose, was opposed by me both in and out of the Convention. My support, too, of the proposition to make the judiciary elective was equally objectionable to many of the oldest and best Whigs of Kentucky (to differ with whom caused me almost to distrust the correctness of my own judgment) ; and, although conscientious myself in the part taken by me upon each of these great measures, yet prejudices incident to human nature, and which never fail to arise out of differences of opinion, however honestly entertained, upon questions of so exciting a nature, have, it is to be feared, been awakened against me in many counties in Kentucky; and might, unless abandoned, render it not only impolitic in the Whigs to nominate me as their candidate for Governor, but morally impossible for me to unite the entire Whig strength of the State, should the nomination be given to me. In addition to all this, if I should receive the nomination, it would only be, under existing circumstances, after a contest with the friends of others, and might leave me crippled and weakened in the very commencement of the canvass. This, so far as I am personally concerned, would be of but little consequence; but knowing, as every intelli-

gent man must know, that the Democratic party was never better organized in Kentucky than it is now, and that stimulated with the hope of victory, its efforts will be in proportion to its prospects of success; and knowing also that a crisis in the history of the Whig party is rapidly approaching, and that division in their ranks would not only result in a disgraceful defeat at the next election, but in ruin, hopeless and irretrievable, for years to come; and feeling now, as I have always, ready and anxious to yield up to the good of the Whig party any aspirations I may have to personal honor or individual preferment, and pledging myself to do a soldier's part in defense of our glorious principles, in whatever place the Convention may assign me, I can not but express the hope that my friends—in view of all the circumstances, and to whom I owe a debt of gratitude, which my life will be too short to cancel—will not place my name in nomination before the Convention for the office of Governor, unless upon full conviction it will secure the entire union and success of the Whig party, but will unite in the selection of some one to whom the objections that may be urged to me can not be made, and who, by the union of the Whig strength of the State, will insure not only a victory but a glorious triumph.

"With the hope that every true Whig in Kentucky will burn upon the altar of patriotism and his country every prejudice he may have formed against a brother Whig for mere differences of opinion upon questions which, as Whigs, should never have divided them, and that each and all of them, in the hour of trial and conflict, will be found at the post of duty, as when in times of old they battled with one arm and one heart for their country and Whig principles, I subscribe myself,

"Respectfully and truly,

"Arch'd Dixon.

"Henderson, *Dec.* 28, 1850."[1]

[1] Louisville Journal, Jan. 6, 1851.

A month later, the following appeared in the columns of the Journal, the Whig organ of Kentucky, edited by Geo. D. Prentice:

"MR. DIXON NOT A CANDIDATE FOR GOVERNOR.

"It will be seen from the following letter that Mr. Dixon unconditionally declines to be regarded as a candidate for Governor. He believes that he could not fully unite the strength of the Whig party, and, therefore, like a true Whig patriot as he is, he takes his name out of the canvass.

"Would to Heaven that all who call themselves Whigs were as worthy of the noble name as Archibald Dixon."

And then followed the letter.

Notwithstanding this positive declination, the Whigs, in their State Convention which met at Frankfort, February 22, 1851, nominated Mr. Dixon as their candidate for Governor, and Hon. John B. Thompson, of Mercer county, Lieutenant-Governor. After making the nominations unanimous, the Convention

"*Resolved*, That it is the sense of the Whig party of Kentucky, that to the Union of the States we owe our liberty, peace, national character, prosperity, and renown; that, as it has been a guaranty in the past, so it is a pledge for the future continuance of these inestimable blessings; that on this appropriate and auspicious day we renew our vows of unabated loyalty, according to the principles of the Constitution, to the sacred Union which it designed to render immortal and indissoluble; and that, as taught by Washington, we 'indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.'

"*Resolved*, That the Whig party of Kentucky, recognizing the spirit of conciliation and compromise in the measures of Congress for adjusting the territorial and slavery disputes which so fearfully distracted and men-

aced the Union, and regarding them as constitutional, and substantially just in practical operation, cordially approve the same; and that the gratitude and applause of the whole country should be fervently accorded to the wisdom and patriotism of the noble-hearted statesmen who contributed to their success.

"*Resolved*, That the New Constitution of Kentucky, having been adopted by the people, the sovereign authority to which all should bow with respectful and cheerful submission, every loyal citizen should dutifully do every thing in his power to give it easy and sufficient operation as the supreme fundamental law of the land (according to the intention of its framers); and that, in the distribution of political honors and offices, no discrimination should be made founded on the opinion of citizens in regard to that instrument when its adoption was an open question; but that all Whigs should be recognized as standing on a perfect equality without invidious favor to one class of them or odious proscription of another.

"*Resolved*, That the Constitution of the United States and the laws made in pursuance thereof constitute the supreme law of the land; and it is the duty of the officers of the Federal Government to enforce the same.

"*Resolved*, That Henry Clay, for a long life of eminent (and beneficent) public service, and especially for his patriotic and almost superhuman labors in devising and advocating the recent great measures, is entitled, in an especial manner, to the gratitude of Kentucky, of the Union, and of the friends of civil liberty throughout the world."

Shortly after, the Emancipation Whigs proceeded to hold their Convention, and, at Lexington, about March 1st, nominated Cassius M. Clay, a noted Abolitionist, as their candidate for the governorship.

In 1845, C. M. Clay had edited an Abolition paper, the "True American," at Lexington, and published some most incendiary articles. Finally, on the 12th of

August, 1845, his paper contained an editorial from which the following is an extract:

"But, remember, you who dwell in marble palaces, that there are strong arms and fiery hearts and iron pikes in the streets, and panes of glass only between them and the silver plate on the board, and the smooth-skinned woman on the ottoman."

This allusion (which was, of course, to the negro element) so enraged the people of Lexington that they held a mass meeting, at which it was stated that "In the preparation and establishment of his office in Lexington, Mr. Cassius M. Clay acted as though he were in an enemy's country. He has employed scientific engineers in fortifying against attacks, and prepared the means of destroying the lives of his fellow citizens, it is said, in mines of gunpowder, stands of muskets, and pieces of cannon.

"It is therefore *resolved* by this assembly:

"*First.* That no Abolition press ought to be tolerated in Kentucky, and none shall be in this city or its vicinity. . . .

"*Fifth.* That we hope C. M. Clay will be advised. For by our regard to our wives and children, our homes, our property, our country, our honor, wear what name he may,[1] be connected with whom he may, whatever arm or party here or elsewhere may sustain him, he shall not publish an Abolition paper here, and this we affirm at the risk, be it of his blood or our own, or both, or all he may bring, of bond or free, to aid his murderous hand."

C. M. Clay, however, would not be advised, and stated in his next issue that "The slave-holders must calm themselves into just thinkers and cease to provoke the Northern free States by putting them at defiance in Congress and out of it."

[1] C. M. Clay was not related to Henry Clay, the great Commoner, at all, or so distantly as to amount to the same thing.

Finding that he would neither leave nor moderate his turbulent and incendiary expressions, the citizens of Lexington, *en masse*, assembled on the evening of August 18th, resolved to destroy his office and press and drive him from the city. Thos. F. Marshall, in a speech of singular tact and force, persuaded them instead to simply pack up his press and fixtures and ship them to Cincinnati, which was done.

As their candidate in 1851, C. M. Clay eminently suited the purposes of the Abolitionists, who were violently opposed to Mr. Clay, to the Compromise of 1850, and to every thing that looked to peace between the States. His nomination also delighted the Democracy (or Loco Focos, as they were then called), for they saw in the prospective division of the Whig party their only hope of success.

The approaching contest in Kentucky was looked upon with the deepest interest by the whole country, as it was deemed the forerunner of the struggle between the two great parties for the Presidency in 1852.

Mr. Dixon's position during this canvass was unique. An ardent Whig, he had yet antagonized many of his associates by the bold and firm stand he had taken against emancipation in the Constitutional Convention of 1849. An earnest pro-slavery man, yet a strict believer in the rights of the States to regulate their own domestic affairs, he lost the support of hundreds of ultra pro-slavery Whigs (who now voted their first Democratic ticket) because he sustained Mr. Clay's policy, as to the admission of California with her anti-slavery Constitution, with all the vigor and energy of his nature, not only from his fixed convictions as to the rights of the States, but also from his devoted love for the Union which seemed to be in such great and imminent peril. He had adhered to Mr. Clay steadily in the contest between him and Taylor in 1848, but in 1849, took a course exactly opposite to that recommended by Mr. Clay. He followed no man's lead unless satisfied he

was right, and while he always believed Mr. Clay to be the purest patriot he ever knew, he yet believed him to be mistaken on this point, and he had adopted the course which he himself thought the right one. The resolutions of the Convention, however, sustaining Mr. Clay's position in the Congress of 1850, met his hearty approval; for Mr. Dixon did not believe that any Congress could, constitutionally, by its mere dictum, deprive the people of either of the great sections of the country of their equal rights to territory which belonged equally to every section; neither did he believe that Congress had the right to refuse entrance to a State either *because* her Constitution *prohibited* slavery, or *because* it *established* slavery; but he did believe that Congress could, constitutionally, refrain from all interference with the domestic affairs of the Territories, and leave all local questions to be settled by the majority of the people themselves. This view was the doctrine of non-intervention, as advocated by Clay, Webster, Calhoun, Douglas, Cass and Foote in 1850, and maintained by Mr. Dixon in the canvass of 1851. But this view and these resolutions were so distasteful to the ultra pro-slavery Whigs, who thought California should never have been admitted with an anti-slavery constitution when one-half of her territory lay south of the line of the Missouri Compromise, 36° 30′, that many of them declared they would vote the Democratic ticket in preference to casting their votes for any Whig who would run on the platform of the Compromise of 1850. And they cared nothing for the fact that Mr. Dixon's work in the convention of 1849, had been of such a character as to so thoroughly accomplish the purpose he had in view, viz.—to prevent the invasion of the rights of property of her citizens—that when the peculiar property, designed to be protected, had, by force of events, for over a quarter of a century been a thing of the past, yet the provisions for its protection remained, and stood as a nearly impassable barrier to the making of a new constitution, or amending the old one. The

ultra pro-slavery men of Kentucky did not appreciate at that time the value to themselves of the great principle of non-intervention, through which alone they could hope for equality in the Union.

Mr. Dixon, however, did appreciate it, not only for its value, but for its justice. He felt that it would be quite as unfair to attempt to force slavery upon the people of California as to force emancipation upon the people of Kentucky. And he advocated the principle of non-intervention by Congress with the subject of slavery, as laid down in the Compromise of 1850, all over the State of Kentucky.

Personally the canvass was not less unique. Gov. Powell, Mr. Dixon's opponent, was his townsman, his neighbor, his bosom friend. They had been partners in law, they indorsed for each other, they each held power of attorney for the other, and as long as they lived were in the daily habit of taking walks together. It was mutually agreed that during the canvass there should be no personalities by either party. They traveled together during the whole time, usually occupied the same room, and often had to sleep in the same bed. Through all the intense excitement—and the political caldron was boiling hot—their friendship was never for a moment interrupted, and it continued unbroken during their lives. It is doubtful if such an instance ever occurred, either before or since, in American polities. Mr. Dixon, although in very feeble health at the time, followed Gov. Powell to his grave as chief pall bearer. Upon his return, he said, in a voice broken with emotion and grief, that I can never forget, "I have taken my last walk with Powell."

Gov. Powell was fully worthy of this devoted friendship. Bold to denounce wrong, he was equally generous to forgive it.

In the Senate of the United States, in 1862, his eloquent, decided, and patriotic utterances against the wrongs being committed by the government, and in de-

fense of constitutional right, induced Garrett Davis, his colleague, to bring up a resolution of expulsion against him. Gov. Powell spoke in his own behalf and the resolution failed by so decided a majority that it was not again brought up, though he continued his remonstrances in the most forcible way against the course of the administration.[1] It is to be noted that when it was moved to expel Mr. Davis for disloyalty some time afterwards, Gov. Powell, "with a generosity that was the wonder of the hour," at once rose to defend him, and by his argument and reasoning prevented any action of the Senate adverse to Mr. Davis.

Mr. Dixon knew that the race for Governor in 1851 would be no mere child's play (as it had comparatively been in 1848), it would be a desperate battle of divided forces on the part of the Whigs, with all the odds on the side of a solid and united Democracy, who would contest every inch of the ground,

Said a contemporary: "With the consciousness that he was leading a forlorn hope; nay, that it was almost impossible that he should be elected, his ardor was not damped, nor his natural force abated. . . . From every speaker's stand in Kentucky his eloquent voice was heard calling upon the people to stand by the institutions of their fathers, and maintain the integrity of the Union against the insidious attacks of Northern Abolitionists, and the more violent and furious onslaughts of Southern seceders. Those spirit-stirring appeals were not lost. They were not thrown away upon listless ears. The people of Kentucky, we assert boldly, have more true loyalty of feeling, and deep, unselfish, patriotic affection and admiration for the Republic than those of any other State. These patriotic sentiments

[1] Only a perusal of the speeches themselves could convey any idea of their force, their boldness, their fidelity to the right, their admirable temper, their justness of appreciation, their broad understanding of the true relations of the Federal Government to the people of the States.—Author.

Mr. Dixon, by his bold and manly eloquence, awakened into activity at a time when the expression of such sentiments on the part of the masses was necessary to sustain the course of those great statesmen, who stood like faithful pilots at the helm and, finally succeeded in weathering the storm. He spoke, not for his own election merely, nor for the success of the Whig party, but for the Union."[1]

As he had predicted, from the divisions in the Whig party, Mr. Dixon lost the election, Gov. Powell being elected by 850 majority; Cassius M. Clay, the emancipation candidate, receiving about 3,600 votes.

By the inexorable law of cause and effect in the progress of human events, the State of Kentucky, from being the banner Whig State in 1844, and triumphantly Whig in 1848, became Democratic in 1851. Not all of the great personal popularity of the Whig candidate for Governor could heal the breach in the party ranks which had arisen in 1849, nor unite the emancipation Whigs and the ultra pro-slavery Whigs under the same banner with the conservative and Union-loving men of the party. Not all of his eloquence could persuade the extreme pro-slavery men to vote for the candidate of the platform of the Compromise of 1850, which to them meant only the admission of California with an anti-slavery Constitution; nor yet the emancipation Whigs to vote for one who, in 1849, had so strenuously and so successfully opposed all of their views in the making of the New Constitution.

This defeat was a bitter pill to the Whigs, so long the victorious party in Kentucky; and some of its organs began at once to cast about for some cause of it, other than the true one—the division of the party itself on the emancipation question; to which division they were anxious to shut their eyes, as, in a clear view of the future of their party, they could not but see the danger

[1] Livingston's Biographical Magazine, June, 1853.

ahead, of its total disruption on this very question. So they said it was Mr. Dixon's personal unpopularity that had caused his defeat; and they circulated the story that he had, by his discourtesy and inhospitality to members of the Methodist Conference, which met in Henderson in 1849, won the enmity of the Methodists of Kentucky in a body, and, as they were mostly Whigs, their vote had defeated him.

The truth is, that Mr. Dixon received a larger vote in that election than Mr. Thompson, the candidate for Lieutenant-Governor, and more votes in each district than most of the pro-slavery Whig candidates for Congress. This, in connection with the fact that out of about 6,500 emancipationists in Kentucky, Mr. C. M. Clay received only 3,600 votes, would seem to indicate that a number of emancipation Whigs refrained from voting *against* Mr. Dixon, whilst yet they were not willing to vote *for* him, strongly opposed as he was to their views on a point in which they conscientiously believed themselves to be correct.

The story as to the Methodists was made out of "*whole cloth.*" The author has taken pains to ascertain the time of meeting of the Methodist Annual Conference held in Henderson in 1849. In a letter of February 17, 1896, Rev. John J. Tigert, of Nashville, states that, "The date according to the minutes is October 1–3–9." Now, the Constitutional Convention held its first session October 1, 1849. The members assembled at Frankfort a day or two previous, and Mr. Dixon was among them. I speak from personal knowledge, as I went to Frankfort with my father, who was also a member, and Mr. Dixon had arrived there before we did, and was one of the first acquaintances I recognized upon our arrival. So, of course, he could not have shown "discourtesy or inhospitality" to those gentlemen of the Conference, when he was absent from home in the discharge of his public duty. Doubtless some members of the Conference would have been entertained at his house, even in

his absence, but for the extreme illness of one of his little children,[1] who had lain for some weeks apparently at the point of death, and still claimed the entire attention of his mother.

By a singular coincidence, a few days after a recent discussion in some of our papers as to the causes of the Whig defeat in Kentucky in 1851, the writer came across a little roll of papers, never seen before, in Mr. Dixon's handwriting, regarding that defeat. One of them is given *verbatim*. It is conclusive of the position taken by the author, from the evidence, as to this question, long before this memorandum was found.

"*Mem.* I knew for weeks before the election that if defeated at all it would be from the withholding the emancipation votes from me, or the giving them to the emancipation candidate for Governor, Capt. Clay; and I wrote to a number of friends in different parts of the State, expressing my apprehensions that I would lose from six to ten thousand of these votes unless something could be done to bring them back to the support of the Whig party. The result has verified the correctness of my prediction, for in every county in the State where the emancipation votes existed, they have been, with a few exceptions, either withheld from me or cast for Capt. Clay. Nor has the opposition been confined to me, but Col. Thompson, the Whig pro-slavery candidate for Lieutenant [Governor], has suffered equally with myself. Mr. Hill, Mr. Ewing, Mr. Wm. C. Marshall, Gen. Combs, and even Col. Humphrey Marshall, have all suffered to a greater or less extent from the withholding of this vote from them. It is useless to disguise the fact—the emancipation vote of Kentucky is lost to the Whig party unless something can be done to recall them to its support. They are led on by a man bold, intrepid and daring, with talents to command

[1] Hon. Henry C. Dixon.

respect, an eloquence flowing and persuasive, and an energy and perseverance, indomitable and untiring. And if in the last contest for Governor he has failed to get the entire emancipation vote, he has at least succeeded in neutralizing thousands who did not vote for him. If I were to express an opinion at all upon the subject, I should unhesitatingly say that but for the letter addressed by him to the committee of Free Soilers in Maine, he would have gotten almost the entire emancipation vote of the State. Many warm emancipationists did not agree fully with him in all the views expressed by him in that letter, and consequently did not vote for him. They nevertheless entertained the highest respect for him as a man and admiration for his talents. I know that this was the fact, for many of them expressed fully their opinions of him to me as I traveled through the State. That the 3,000 emancipation votes given to him for Governor were principally Whigs there can be no doubt, and there is just as little doubt that those who did not vote at all belonged also to the Whig party—indeed the emancipation vote of Kentucky is almost entirely Whig, and the few who belonged to the Democratic party felt that Democracy was greater than emancipation, and their opinions on the latter subject are lost sight of and merged in their devotion to the principles of the former."

When Mr. Dixon first started out on the canvass, his health was so broken that his immediate friends feared he would never return alive; but on the contrary, the weeks spent in the open air, driving or riding on horseback over mountain and plain, speaking every day, often twice, and sometimes three times, seemed to restore his health, and he came back very much stronger and better than when he left.

In November of 1851, it became the duty of the Legislature of Kentucky to elect a successor to Mr. Underwood, whose term in the Senate of the United States would expire March 3d, 1853. There was a very exciting

contest in the Whig party over the nomination for this office, between the friends of Mr. Dixon on the one side, and of Hon. John J. Crittenden on the other. It resulted in the withdrawal of both gentlemen, when Hon. John B. Thompson was put in nomination, and elected over Mr. Stone, Democrat, by 73 to 65.

Mr. Clay having, on December 17th, resigned his seat in the Senate, to take effect on the first Monday of September, 1852, it became necessary to elect his successor, and on December 30th, Mr. Dixon was elected over James Guthrie, Democrat, by 71 to 58.

Says the biographer: "The gubernatorial campaign, as he had anticipated and predicted, resulted in his defeat by a small majority. But the emancipation party, though it possessed a sufficient number of votes to control the election, before the people, on account of the almost equal division of the State between the Whigs and Democrats, did not possess the same commanding power in the Legislature, and the immense majority who coincided with Mr. Dixon in his opinions on the subject of slavery, determined to reward his talents and fidelity with a seat in the United States Senate.

"He was opposed, however, by the whole emancipation influence in the contest which ensued for this high office, and was run against nearly every prominent Whig in the State, Mr. Crittenden included. A caucus having at last been called for the purpose of deciding the claims of the respective candidates, it was found that Mr. Crittenden and Mr. Dixon were the only competitors. The friends of Mr. Dixon claimed a majority of two, but the adherents of Mr. Crittenden remaining firm or obstinate, as the apologists of either side may prefer, Mr. Dixon consented, for the sake of harmony in the Whig party, that his own name should be withdrawn in connection with the withdrawal of that of Mr. Crittenden. It being anticipated, however, that a vacancy in the Senate might soon occur, the friends of Mr. Dixon still adhered to him, resolved upon his ultimate success,

and in a short time the resignation of Mr. Clay again called upon the Legislature of Kentucky to choose a representative to fill the unexpired term of that great man. The name of Mr. Dixon was immediately presented to the two Houses of the Legislative body for their suffrages, and in opposition to it those of many other prominent and distinguished Whigs, but after a few ballotings, his election was carried without difficulty. . . . He is for the compromise as it stands, without the slightest abatement or reservation as a final settlement of those alarming questions which have so long agitated the country."[1]

DIVISION OF THE NATIONAL WHIG PARTY.

If the emancipation question and the compromise measures had so divided and defeated the Whig party in Kentucky, the fugitive slave law and the compromise measures were now threatening the party with a still greater calamity in the division of the Northern Whigs from those of the South, so as to render their dissolution as a national body almost a certainty, unless something should be done to prevent it. The question was how to do this, and so secure the coming election of President to the Whigs.

A large body of the Northern Whigs, under the lead of Mr. Seward, declared openly against the execution of the fugitive slave law, and demanded its repeal.

The Southern Whigs, with the Northern conservative Whigs, on the contrary, insisted that the Compromise of 1850, should be strictly adhered to, and each and all of its provisions faithfully observed. They were in favor of either Mr. Fillmore or Mr. Webster, as candidate of the party; both of whom had shown themselves to be national and conservative statesmen; Mr. Fillmore insisting, in the terms of Mr. Foote's resolution of January 28, 1852, that the compromise measures should be re-

[1] Livingston's Biographical Magazine, June, 1853.

garded "as a final settlement, in principle and substance, of the dangerous and exciting questions which they embrace."[1]

And this position was most strongly indorsed by leading conservative Whigs in the North as well as the South. Monster mass meetings were held, speeches were made and resolutions passed; of which the following, taken from the proceedings of a meeting of thousands in the City of Philadelphia, whose cry was "Fillmore, the Constitution and the Union;" is given as a sample.

"9. *Resolved, therefore,* That we will, to the extent of our ability, endeavor to procure the nomination of Millard Fillmore, believing that, in so doing, we are consulting the highest interest of our country, and the honor and safety of the great conservative party, to which it is our pride and pleasure to belong."

Henry Clay is quoted at the same meeting.

"6. . . . As from the tomb, comes to us the declaration of Henry Clay, that of all the candidates for the Presidency, there is no one fitter, safer, or more eligible, than our candidate, Millard Fillmore."[2]

The Seward (or Abolition) Whigs advocated the nomination of Gen. Winfield Scott, who, acting, as it was believed, under Mr. Seward's advice, refused to make any publication of his views, or to make any pledges as to the carrying out of the Compromise. The Democrats said, "So he might be for it in the South and against it in the North."

Forty-four members of the 31st Congress, Whigs and Democrats, Northern and Southern alike, with Henry Clay at their head, had signed a pledge not to support "for the office of President or of Vice-President, or of a Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party,

[1] App. Cong. Globe, Vol. 25, p. 372.
[2] Philadelphia Inquirer, May 24, 1852.

who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal in any form, of agitation upon the subject of slavery."[1]

And it was stated on the floor of the House that Mr. Clay had taken the position, before the Legislature of Kentucky, that he himself would go for a Democrat who was sound on this question rather than a Whig who was not.[2]

The Southern Whigs had resolved not to pledge their votes to any nominee who would not unequivocally and publicly declare himself for the compromise measure as a "finality."

The Northern Whigs would not agree to adopt the compromise measures as a finality, or as a part of the party creed; and it was stated in the House by Mr. Washburne of Maine, a Whig member, that any candidate who "insists upon that, or who is nominated by a convention which affirms or requires it, can not, in my opinion, obtain the vote of a single Northern State, not one. . . . The North can not submit to this new test, and the South, I think, ought not to. It will do harm, and nothing but harm, to both North and South. It will have a surer tendency to create sectional parties than any thing we can do. . . . No nation beneath the sun is so favored as ours in having within its boundaries all the elements of strength. prosperity and happiness—not England, nor France, Russia, Austria, Spain—not one. . . . But let intestine strife prevail, and sectional jealousies be aroused till disunion shall come, and no star of hope shall light the prospect that will lie before us. 'The blasted leaves of autumn may be renewed by the returning spring, the cerements of the grave shall burst, and earth give up her dead;' but let this Union be once destroyed, there is no power that can restore it, no heat that can its 'light relume.' National death is followed by no resurrection."[3]

[1] App. Cong. Globe, Vol. 25, p. 372. [2] Idem, p. 506.
[3] Idem, pp. 626, 627.

Gen. Scott had been nominated by Whig conventions in several of the Northern States, but they had maintained a portentous silence as to the compromise measures.

The Democracy were also divided upon these vital questions of the hour. They held their convention first; and the three divisions of the party met, each at different places. The Free Soilers at Buffalo, the Southern wing at Nashville, and the great National Democracy at Baltimore. But, by the "powerful magnet of patronage," all the discordant elements were brought together, and they united on a platform of strict adherence to the compromise measure of 1850, as expressed in the resolution here given:

DEMOCRATIC PLATFORM.

"9. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of every thing appertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an evitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"*Resolved*, That the foregoing proposition covers and was intended to embrace the whole subject of slavery agitation in Congress, and therefore the Democratic party of the Union, standing upon this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures, settled by the last Congress—the act for reclaiming of fugitives from service of labor included, which act, being de-

signed to carry out an express provision of the Constitution, can not, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

"*Resolved*, That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."[1]

Franklin Pierce, of New Hampshire, was the nominee of the Democrats; and he was a true representative of the conservative, Union-loving, Constitution-loving, American people. He had voted for those resolutions of Mr. Calhoun, in 1838, which embodied the Democratic principle of States rights and a strict construction of the Constitution; and his every vote in the Senate had shown his belief "that," as he expressed it, February 21, 1839, "we live under a written Constitution, which is the panoply and protection of the South as well as the North; that it covers the entire Union."[2]

Gen. Pierce had enshrined himself in the hearts of his fellow-soldiers and of his countrymen by his gallant conduct on the battle fields of Mexico, and of which Col. O'Hara, editor of the Louisville Times,[3] an eye-witness, said: "Our admiration knew no bounds."[4]

And in the struggle of 1850, when Millard Fillmore and George Washington were being denounced in Northern Conventions as being equally "infamous and vile" for signing the acts of 1793 and 1850; "both were infamous, both laws were infamous;" Franklin Pierce "threw the full weight of his high character, of his unbounded personal popularity, of his great and acknowledged abilities in the scale of the Union."[5]

Pierce's acceptance of the nomination was characteristic, straightforward, and direct. He said in his letter:

"I accept the nomination upon the platform adopted

[1] App. Cong. Globe, Vol. 25, p. 748. [2] Idem, p. 749.
[3] Also author of that immortal lyric, "The Bivouac of the Dead."
[4] App. Cong. Globe, Vol. 25, p. 751. [5] Idem, 877.

by the Convention, not because this is expected of me as a candidate, but because the principles it embraces command the approbation of my judgment, and with them, I believe I can safely say, *there has been no word nor act of my life in conflict.*" [1]

W. R. King, of Alabama, a most superior man, was nominated as Vice-President, and his indorsement of the platform was as decided as Gen. Pierce's. Col. King replied:

"The platform as made by the Convention meets my cordial approbation. It is national in all its parts, and I am content not only to stand upon it, but upon all occasions to defend it." [2]

This action on the part of the Democracy and its leaders served still further to embarrass the Whigs, whose Convention was not held until some little time after the Democratic nominations. The Compromise, however, had been steadily gaining favor among the Whigs both North and South as well as the Democrats.

Early in the session of '51–'52, Mr. Foote, of Mississippi, had offered a resolution "declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

"*Be it resolved*, That the series of measures embraced in the acts . . . approved September 20, 1850, commonly known as the Compromise Acts, are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse." [3]

The discussion of this resolution, which was prompted by the declarations of the Abolitionists against the Compromise, aroused the attention of the whole nation to

[1] App. Cong. Globe, Vol. 25, p. 882. [2] Idem, 819.
[3] Cong. Globe, Vol. 24, p. 410.

the dangers ahead. The American people generally, both North and South, were devoted to the Union; and public sentiment every-where indorsed the spirit of Mr. Foote's resolution, excepting, perhaps, the ultras of either section, who were, however, very few at the South, compared with the numbers of them at the North.

The Southern Whigs had successfully combated sectionalism at home, even incurring reproaches of friends, neighbors, and relatives, because of their support of the Compromise; and the feeling in behalf of the Union and against all disturbers of it was steadily growing in every part of the country.

The Northern Abolition Whigs, who had been to such an extent under the lead of Mr. Seward, and had declared so strongly against the Compromise, were now confronted with the question, whether they would yield up their opposition to the Compromise or their hopes of gaining the Presidency and with it the offices. The situation was one which demanded the skill and craft of a Machiavelli; and this, apparently, was not wanting. Presumably under the advice of their leader, they decided to keep hold of both horns of their dilemma, or, as the homely saying runs, "to carry water on both shoulders."

They adopted a platform containing the declaration that the Compromise should be regarded as a *final* settlement of the questions involved. In their eighth resolution they declared that:

"8. The series of acts of the Thirty-first Congress, commonly known as the compromise or adjustment (the act for the recovery of fugitives from labor included), are received and acquiesced in by the Whigs of the United States as a final settlement in principle and substance of the subjects to which they relate; and, so far as these acts are concerned, we will maintain them and insist on their strict enforcement until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one

hand and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union.'"[1]

This platform enabled the Abolition wing of the Whig party to carry the Convention for their candidate, Gen. Scott, who, although he had absolutely refused to express his opinions publicly, or to pledge himself in any way regarding his action as to the Compromise in case he were elected President, yet, his friends claimed, had in private conversation expressed himself as most decidedly for it; and moreover, they said, he had given all his influence to its passage at the time President Taylor was opposing it. (Be it understood that there was no good feeling between Taylor and Scott, nor had been since Scott went to Mexico to supersede Taylor, during the Mexican war; and this feeling may have influenced Gen. Scott to a degree in his support of the Compromise.)

Upon such an unequivocal platform, the conservatives concluded that it would be safe to accept this "mum" candidate, as he was called; and they were unwilling to divide their party if it could be avoided. They found that the Abolition wing would not agree to nominate their candidate, Fillmore, towards whom, it was stated, Mr. Seward entertained a strong enmity; and so they yielded the point of the candidate to secure what they deemed more important, the platform. The Whigs were still romantically devoted to their party, and were held together, not only by the strong cohesive power of office and "plunder," but also by that old-fashioned loyalty of

[1] App. Cong. Globe, Vol. 25, p. 883.

feeling which had descended to them as an inheritance from their ancestors, whose spirit of devotion to King and Church was now embodied as loyalty to party and country.

Gen. Scott telegraphed his acceptance of the nomination on the same day, as follows:

"WASHINGTON, *June* 21, 1852.

"Having the honor of being the nominee for President by the Whig National Convention, I shall accept the same, with the platform of principles which the Convention has laid down. Please show this to G. B. Duncan.[1] With respects to friends,

"WINFIELD SCOTT."[2]

Now, all this might have looked fair enough; as his acceptance of the nomination on that platform would necessarily commit the candidate to its policy; but unluckily for Gen. Scott, it was disclosed that the word "*final*" had been omitted from the copy of the platform sent to him, and which he had accepted. In a discussion between two Whigs, Mr. Howe, Conservative, and Mr. Stevens, Free Soiler, both of Pennsylvania, on the 3d of August, on the floor of the House, Mr. Stevens says: "I see that my colleague is about to read the platform. I ask him if Gen. Scott had that version of the platform before him when he sent that dispatch?"

"Mr. Howe: It was the same, with the exception of the word 'final.'"

"Mr. Stevens: The word 'final' was not in at the time Gen. Scott sent the telegraphic dispatch."[2]

It appeared from the statements afterwards made, that this was done designedly, and that the platform sent to Gen. Scott, and to which he gave his adhesion by telegraph, was repudiated by the proper officers of the Con-

[1] Congressman from Kentucky.

[2] App. Cong. Globe, Vol. 25, p. 883.

vention "as false and spurious, put in circulation for the use of the party in Free Soil latitudes."[1]

Gen. Scott afterwards wrote a letter of acceptance to the President of the Convention, stating that he adopted the platform *sent him by the Convention.* Every Whig Free Soiler in Congress approved his position, as nothing in his letter bound him to veto any law repealing any of the Compromise measures; and Mr. Stevens, of Pennsylvania, said, August 24th, in response to a ques- by Mr. Polk:

"I mean to say, then, as far as I know any thing of the Whig party in Pennsylvania, that some of them support Gen. Scott because the word 'final,' is in the platform, and some because it is not in the platform."[2]

And moreover, "that no thinking Whig could be bound by the action of the Whig Convention."

If the nomination of Gen. Taylor were the death-warrant of the Whig party, as many thought at the time, certainly Gen. Scott was its executioner. In nominating him the Whig party lost its grandest opportunity; it might have been nationalized; it was instead sectionalized; it might have been made powerful; it was instead defeated and disintegrated. Had it given evidence of its sincerity by nominating a man who would have carried out its published platform in good faith, such as Mr. Webster or Mr. Fillmore, every true Whig would have rallied to his support, and whether elected or not, the party would have retained its identity and its entity. But it had lost its last opportunity, and its doom was sealed. Its national character was gone forever, its Northern wing thereafter being absorbed into the great Abolition party, of which Seward was chief leader; its Southern wing taking refuge with the Democracy, or else trying something new and hopeless of success, as the Know Nothing ebullition.

[1] App. Cong. Globe, Vol. 25, p. 751. [2] Idem, p. 1182.

The real contest, all the while, was, not between Scott and Fillmore, but between Seward and Fillmore. It was really Clay, Fillmore, the Compromise, the Constitution and the Union, against Seward, Abolition and the higher-law party with Gen. Scott as their figure-head; Mr. Seward, it was said and believed, expecting to hood-wink the Conservatives by the pretended adherence of the Convention and its candidate to the Compromise until after Scott was elected, and then to control Scott through the weakness of his character, and his lack of ability as a statesman. Gen. Scott, with all his six feet and over, of a superb physique, must have been a mere puppet in this man's hands. Otherwise, he would certainly have investigated and disclaimed the deception put upon his party by the omission of the word "final" in the platform sent him. But instead of occupying a high and open position, he stood, as one of the Fillmore Whigs said, more tersely than elegantly, "with a padlock on his mouth and his principles in Seward's breeches pocket."[1]

DEATH OF CLAY.

The Whig party had, most unfortunately, suffered the loss of its two great leaders, in the Senate; Mr. Webster having accepted a place in the Cabinet, at Mr. Fillmore's earnest solicitation, and Mr. Clay's ill health having precluded him from all exertion for the entire session of 1851–'52. A few days after the nomination of Gen. Scott he breathed his last. It is to be hoped that he died consoled with the thought that both the great parties of the country had adopted his Compromise, and that he did *not* know that even then the leaders of the Whigs in the one section were already contemplating the breaking of the pledges they had made regarding it, in the platform of their convention.

Mr. Clay's death occurred on the 29th of June, 1852,

[1] App. Cong. Globe, Vol. 25, p. 683.

at the National Hotel in Washington City, in the seventy-sixth year of his age. In full possession of his faculties, he died with "perfect composure, and without a groan or struggle."[1] Even Death had joined the vast army of those who acknowledged him as their superior, and shrank back with awe as his great spirit entered that invisible realm.

No man of his day had such enthusiastic devotion while living as Henry Clay—never were so many, and such, eulogies delivered as after his death. Nor were these confined to men of his own party—for he compelled the admiration of his opponents as well as the love of his adherents. He had the grandest presence of any man in the world, and stood a veritable king among men. The only men who did not love him were those who hated or feared or misjudged him, or else, those whom he angered by his superiority, or wounded by neglect, as was sometimes complained of him. But omnipotence itself could scarcely have returned the devotion of all the worshipers of Henry Clay. The tall, graceful, willowy form, rocked and swayed by the might of his own passion; the flashing of his blue-gray eye, commanding, controlling, subduing, persuading, or withering; the majestic embodiment of a spirit of fire; the impersonation of an imperial will superhuman in its energy and power; the concentration of a sublime force which compelled men to yield to the fascination of his genius, to the wonderful eloquence which charmed and thrilled them like some magical strain of music—these were some of the qualities which gave him such a place in the hearts of the American people. But more even than all his genius, all his eloquence, all his marvelous gifts of command—were the settled convictions in the minds of the people of his true and sincere patriotism.

Said Mr. Faulkner, of Virginia, a Democrat:

"He never paused to consider how far any step which

[1] Mr. Underwood, who was with him, states this. (Cong. Globe, Vol. 24, p. 1631.)

he was about to take would lead to his own personal advancement; he never calculated what he might lose or what he might gain by his advocacy of, or his opposition to, any particular measure; his single inquiry was, is it right? Is it in accordance with the Constitution of the land? Will it redound to the permanent welfare and interest of the country? When satisfied upon these points, his determination was fixed—his purpose was immovable. . . . With him, the love of the Union was a passion—an absorbing sentiment which gave color to every act of his public life. It triumphed over party; it triumphed over policy; it subdued the natural fierceness and haughtiness of his temper and brought him into the most kindly and cordial relations with those who, upon all other questions, were deeply and bitterly opposed to him."[1]

"I know no North, no South, no East, no West." "I had rather be right than be President." "These lofty words," said one of his eulogists, "were a clue to his whole character—the secret of his hold upon the heads as well as the hearts of the American people—nay, the key to his immortality."[2]

[1] Cong. Globe, Vol. 24, p. 1642.

[2] Mr. Brooks, of New York. (Cong. Globe, Vol. 24, p. 1641.)

CHAPTER XVI.

1852—The principle of Non-intervention indorsed in Pierce's election to the Presidency—Archibald Dixon takes his seat in the Senate—Death of Webster—Attempt to organize the Nebraska Territory.

The election returns in November of 1852 showed an overwhelming majority for Pierce over Scott. Only four States were for Scott—Vermont and Massachusetts in the North; Kentucky and Tennessee in the South; Tennessee by only 1,000 majority, and Kentucky, which gave Henry Clay over 9,000 majority in '44, now giving Scott only 3,262, even with all her 6,500 Emancipation Whigs, who, of course, voted for him. All of the other States (26 in number) were for Pierce—Maine, New Hampshire, Rhode Island, New York, Pennsylvania, Connecticut, New Jersey, Delaware, Maryland, North Carolina, Virginia, Georgia, Mississippi, Louisiana, Florida, Alabama, Iowa, Ohio, Arkansas, Missouri, Indiana, Michigan, Illinois, Wisconsin, Texas, and California—and the popular majority they rolled up for him was 202,008; whilst Polk's popular majority over Clay, in 1844, was only 37,370, and Taylor's over Cass, in 1848, 138,447.[1] Never did Abolition and disunion, higher law and chicanery, receive so severe a rebuke as in this immense popular majority for Pierce over Scott, whose military fame, splendid personal appearance, Whig antecedents and Abolition backing, all failed to save him and his party from the most inglorious defeat.

The election of Pierce was a complete triumph of the principles of the Compromise measures of 1850. These measures embraced the principles of non-intervention by Congress with slavery in the Territories, of equality

[1] See Whig Almanac.

between the States, and of a strict adherence to the Constitution in all its parts. In adopting the principle of non-intervention in place of any geographical line of division whatever, the Congress distinctly repudiated and rejected, as entirely unjust and untenable, the principle of the Missouri Compromise line, "which," Gen. Cass said, was "intervention north of the line of 36° 30′ and non-intervention south of that line. . . .

"The true doctrine of non-intervention leaves the whole question to the people. . . . If they choose to have slavery north of that line, they can have it."[1]

As stated heretofore, President Pierce had, in 1838, voted and spoken for Mr. Calhoun's resolutions. Mr. Calhoun's ideas of non-intervention by Congress with slavery were strictly conservative, and were strongly advocated by Mr. Pierce as Senator at that time. Mr. Calhoun believed that the Constitution extended over all the Territories, and that their inhabitants were entitled to the protection of the Government in all their property rights; that every citizen of the States was entitled to go into the Territories, carrying his property with him, of every description; and, when there, entitled to protection of the same; that only when the Territories became States, and formed their Constitution as such, could they have the right to make laws to decide what should, or what should not, be property within their several limits.

Mr. Webster, on the other hand, had contended that the Constitution did not extend over the Territories until they were organized as such by Congress, and that slavery, being a matter of *lex loci*, could not be transferred to a Territory, and could not, therefore, be under protection of the Government; whilst Gen. Cass maintained that the people of a Territory had the inherent right of self-government, and could make their laws without any organization by Congress whatever. This

[1] Cong. Globe, Vol. 21, p. 518.

doctrine was also held by Judge Douglas, and was afterward known as "squatter sovereignty."

With all these differing opinions, however, we find all parties, Whigs and Democrats, North and South, united in favor of the Compromise measures, with the single exception of the Abolition, Free Soil element.

The execution of the Fugitive Slave Law, as provided for in the Constitution; the irregular admission of California as a State without any intermediate territorial organization and with her anti-slavery Constitution; and the decision of the principle of absolute non-intervention by Congress with slavery, as the only correct principle; these were the three leading features of the Compromise of 1850; and President Pierce and the great majority of the American people had indorsed them in the most emphatic way—had indorsed not only the strict and faithful observance of the requirements of the Constitution, and the doctrine of the equal rights of the States, but also that broad principle of non-intervention which was embraced in those measures. On these issues the Democratic party had swept the country, and their triumph was complete. On the evasion of these issues, the great National Whig party had been not only defeated, but sundered, sawn in two, and smitten into fragments; whereof, however, a few, faithful to the last, hoped yet to reconstruct that organization which had been so glorious in the past and was still so dear to them even in its ruin and downfall.

When Congress convened in December, 1852, Hon. Archibald Dixon presented his credentials, which were as follows:

"Kentucky, sct:

"The Legislature of this Commonwealth, on the 30th of December, 1851, having chosen Archibald Dixon, Esq., a Senator in the Congress of the United States from the State of Kentucky, to serve for the unexpired term rendered vacant by the resignation of Henry Clay,

which had been made and accepted to take effect from the first Monday of September, 1852, until the end of the term for which the said Henry Clay was elected, I, Lazarus W. Powell, being Governor or Chief Magistrate of the Commonwealth of Kentucky, do hereby certify the same to the Senate of the United States.

Given under my hand and seal of this Commonwealth this 6th day of January, 1852, and the sixtieth year of the Commonwealth.

[L. S.] L. W. POWELL.

"By the Governor:

DAVID MERIWETHER, *Secretary of State.*

A. P. METCALFE, *Assistant Secretary of State.*"[1]

Upon Mr. Clay's death, in June, Gov. Powell had appointed David Meriwether to fill the vacancy existing between the time of his death and the commencement of the term of his successor, elected by the Legislature of Kentucky. Gov. Meriwether was a warm personal friend of Mr. Dixon, as was the Governor who appointed him, and he did not claim the seat at all. But some of the Democrats in the Senate were so anxious to secure a Democratic Senator in Mr. Clay's place that they sprang the most extraordinary question as to Mr. Dixon's title to his seat. They claimed that there was no vacancy by reason of Mr. Clay's resignation (Mr. Clay having sent his resignation to the Governor of his State and not to the Senate), that the only vacancy which had occurred was that caused by his death, and that vacancy having been filled by the appointment of the Governor, Mr. Meriwether was entitled to the seat for the balance of the Senatorial term. Flimsy as this fallacy was, distinguished Senators argued it lengthily *pro* and *con* for two weeks, and it was only on the 20th of December that Kentucky was finally accorded her

[1] Cong. Globe, Vol. 26, p. 1.

right of choosing her own Senator, and Mr. Dixon was sworn in and took his seat.

Before Mr. Clay's successor had been admitted to his place in the Senate, came the news of the death of the last one of its great triumvirate, Daniel Webster. And it is one of the saddest commentaries on the ingratitude of human nature, that he had died wounded to the quick by the denunciation of men who had been his associates and allies, his political friends and life-long admirers. He was denounced by them as a renegade, a traitor, mourned over as degenerate, as fallen from his once high estate, and all because of that great speech of the 7th of March, 1850, in which he had maintained the integrity of the Constitution, had advocated peace between the sections, and taken his position as a true friend to the Union. For this—the most eloquent plea on record for the Union—he was deserted, forsaken, insulted by his own people and in his own State. Even worse, they professed to pity him. Their poets wrote laments for his fall; bade others

> "Revile him not—the Tempter hath
> A snare for all;
> And pitying tears, not scorn and wrath,
> Befit his fall!
>
> * * * * *
>
> "Let not the land, once proud of him,
> Insult him now,
> Nor brand with deeper shame, his dim,
> Dishonored brow."

The entire poem was quoted by Horace Mann on the floor of the House, August 23, 1852, "and written," he said, "for the occasion by the great Poet of Humanity."[1]

How much all this may have embittered the last years of Mr. Webster's life, none can ever know, but that he must have suffered from such deep and damnable

[1] App. Cong. Globe, Vol. 25, p. 1079.

injustice, is very certain. That it was injustice is equally certain. No man, merely ambitious for place or power, merely catering to a section for office as he was accused of doing, could ever have given voice to that eloquent plea for his whole country; only true patriotism could ever have prompted and inspired Daniel Webster to speak as he spoke on that celebrated 7th of March. He knew that he risked all personal popularity, all political prestige in the North; but there is in Genius that heaven-born instinct of Truth which defies all circumstance and even fate itself. He could not, if he would, have been untrue to the bidding of the God-like intellect which sat enthroned on that grand, imperial brow, a brow which overhung great, dark, soft, mournful eyes, within whose depths shone no light of joyousness, no gleam of gladness. It was in 1848 that the writer saw Mr. Webster, when he was in the full tide of his popularity; and this deep melancholy, which is so often an accompaniment of great genius, was even then strikingly apparent.

Mr. Calhoun, who was truthfulness itself, stated "that Mr. Webster tried to aim at truth more than any statesman of his day."[1]

And Mr. Preston said in his funeral oration that his future fame would rest on that 7th of March speech. But, above all the panegyrics bestowed on him when he could no longer hear them, was the judgment expressed by Judge Douglas a few days after the 7th of March, 1850, when he said:

"It requires but little moral courage to act firmly and resolutely in the support of previously expressed opinions. Pride of character, self-love, the strongest passions of the human heart, all impel a man forward and onward. But when he is called upon to review his former opinions, to confess and abandon his errors, to sacrifice his pride to his conscience, it requires the exer-

[1] Cong. Globe, Vol. 26, p. 66.

cise of the highest qualities of our nature, the exertion of a moral courage which elevates a man almost above humanity itself. A brilliant example of this may be found in the recent speech of the distinguished Senator from Massachusetts."[1]

What a foreshadowing of Douglas' own future lay in these words! But only the soul which can appreciate greatness in others is capable of equal greatness in itself. There is in all our history as Americans, no picture more pathetic, more touching, and more heroic, than the sad close of the lives of these two gifted men; both sacrified on the altar of their country's welfare, and both most cruelly and unjustly denounced by those to whose service their best of life had been given.

ORGANIZATION OF NEBRASKA TERRITORY.

The territorial organization of Nebraska had been for eight years a favorite scheme with Judge Douglas. The first bill to this effect having been offered by him shortly after the annexation of Texas, and doubtless proposed as an offset to the acquisition of that immense slave territory. He had presented bill after bill to Congress to secure this organization; which, after the Mexican war, became a necessity, in order to the protection of the emigrants and travelers over those great prairies of the West, which stretched their treeless and waterless expanse between the older States and their newly acquired and rich possessions in California and Oregon; and also to unite these widely separated parts of the Union by safe roads and easy intercourse, which could not be done so long as the Indians held this immense territory, owning allegiance to no law save their own savage will. There can be but little doubt that the failure of these bills had been due to the fact that the Act of 1820, precluding all Southern men from entering this Territory with their slave property, was in force;

[1] Cong. Globe, Vol. 22, p. 373.

and as the South had held the balance of power between the two great parties of the North, her influence had been sufficient to prevent the organization of Nebraska.

In February of 1853, the bill for the territorial organization of Nebraska was before the House, having been introduced by Mr. Richardson, of Illinois. During the discussion, Mr. Howe, of Pennsylvania, inquired of Mr. Giddings, who was a member of the Committee on Territories, "why the Ordinance of 1787 is not incorporated in this bill? (Laughter.) I should like to know whether he or the Committee were intimidated on account of the platforms of 1852? (Laughter.) The gentleman pretends to be something of an anti-slavery man; at least I have understood so.

"Mr. Giddings: With the permission of the gentleman from Illinois (Mr. Richardson), I will say to my friend that the south line of this Territory is 36° 30′. The law authorizing the people of Missouri to form a State government, enacted in 1820, provides in express language:

" 'That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State contemplated by that act (Missouri), slavery and involuntary servitude, otherwise than for crimes, whereof the parties shall have been duly convicted, *shall be*, and is *hereby*, *forever prohibited*.'

"This law stands perpetually, and I did not think that this act would receive any increased validity by a re-enactment. There I leave the matter. It is very clear that the territory included in that treaty must be forever free, unless that law be repealed.

"Mr. John W. Howe: I should like to know of the gentleman from Ohio, if he has not some recollection of a compromise made since that time?

"Mr. Giddings: That does not affect this question."[1]

[1] Cong. Globe, Vol. 26, p. 543.

The bill passed the House, February 10th, and on the 17th was reported back to the Senate without amendment, by Mr. Douglas, from the Committee on Territories, to which it had been referred. But the Senate declined to take it up, and on the 2d of March tabled it by 25 to 21—4 Northern votes and 21 Southern, against 20 Northern votes and 1 Southern—this last, Mr. Atchison, of Missouri.

On the next day, the 3d of March, Mr. Douglas again moved to take up the bill from the house to organize the Territory of Nebraska.

Mr. Atchison said: "It is only a question of time whether we will organize the Territory at this session of Congress, or whether we will do it at the next session; and for my own part I acknowledge now, as the Senator from Illinois well knows, when I came to this city at the beginning of the last session I was perhaps as much opposed to the proposition as the Senator from Texas now is. The Senator from Iowa knows it; and it was for reasons which I will not now mention or suggest. But, sir, I have upon reflection and investigation in my own mind and from the opinions of others—my constituents whose opinions I am bound to respect—come to the conclusion that now is the time for the organization of this Territory. It is the most propitious time. The treaties with the various Indian tribes, the titles to whose possessions must be extinguished, can better be made now than at any future time; for, as this question is agitated, and as it is understood, white men, speculators, will interpose and interfere, and the longer it is postponed the more we will have to fear from them, and the more difficult it will be to extinguish the Indian title in that country, and the harder the terms to be imposed. Therefore, Mr. President, for this reason, without going into detail, I am willing now that the question shall be taken, whether we will proceed to the consideration of the bill or not." [1]

[1] Cong. Globe, Vol. 26, p. 1111.

Mr. Atchison again said:

"Mr. President, I will now state to the Senate the views which induced me to oppose this proposition in the early part of the session.

"I had two objections to it. One was that the Indian title in that territory had not been extinguished, or at least a very small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time —and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of 36° 30′, would be enforced in that Territory unless it was specially rescinded; and, whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slave-holders from going into that Territory. But when I came to look into that ques-iion, I found that there was no prospect, no hope of a repeal of the Missouri Compromise, excluding slavery from that territory. Now, sir, I am free to admit that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents and the constituents of the whole South, of the Slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them, as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of the opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the North-west Territory free territory. The next great error was the Missouri Compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise can not be repealed. So far as that ques-

tion is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence.

"Another reason that I will assign why I was opposed to this measure, and why I still think it objectionable in a local point of view, so far as my immediate constituents, the people of western Missouri, as well as those of Iowa and Arkansas, are concerned, is, if you organize the Territory of Nebraska and extinguish the Indian title, and let in the white population upon that Territory, it extends our frontiers from seven to one thousand miles west, and we raise up competition with what we now have. The States of Iowa and Missouri have now the best market for all their products. . . . But if we extend this frontier from year to year, competition will increase, and we will be compelled to turn our agricultural products down the Missouri and Mississippi rivers, to the East instead of the West; yet we are not so selfish but that we are willing to extend the power of the United States still further West. We know that it must come, and that in a very few years. The pressure of population from the older States and from Europe has been such that they roll up against the frontier, and the most populous counties in the State of Missouri are upon the western boundary line of that State."[1]

Mr. Rusk opposed the bill because it would turn all the Nebraska Indians down on the Texas frontiers to scalp the women and children. Gen. Houston opposed it on the grounds of philanthropy; declaring of the Indians that—

"You will find them generous, noble, faithful, daring and chivalrous. You will find their chiefs elevated in their condition and feeling, and as chivalrous as the proudest man that adorns the annals of Christendom. I call upon you to do justice to them and to protect them.

[1] Cong. Globe, Vol. 26, p. 1113.

"Mr. Bell: I do not know what object can be accomplished by this debate. The morning of the 4th of March is breaking, and only five or six hours of the present Congress remain. The honorable Senator from Illinois, however, having moved the consideration of this bill, I shall take great pleasure in hearing from him what he proposes.

". . . I know the Senator from Illinois sufficiently well to know that when he moots a proposition of this description it has a meaning in it, a pregnant meaning; and he does not merely mean to fill up the space, and pass the time until the present session of Congress has passed away. What he does is pregnant with significance; and if the honorable Senator from Illinois is disposed to tell us his meaning, I am perfectly willing to hear him. I should like to know of that Senator upon what grounds he proposes, upon what principles of honesty and honor and good faith, national or private, he proposes to establish the Territory of Nebraska. . . .

"Mr. President, who now pleads for the rights of the Indian? Who stands by the red man? I have not heard any one of those, who seem on other occasions to have such a superbundant flow of the milk of human kindness—such deep and profound sensibilities awakened whenever the condition of the black is alluded to—say one word when it is proposed to strip the red man of his whole country, and not leave him one spot over which he can still roam, and feel, or even fancy, that he has a country. Not one is found to raise his voice against this proposition for a general spoliation of Indian rights. This sentiment of humanity, how wayward—how capricious! It is not more stable than fashion, in the objects on which it exhausts or wastes itself. The negro was introduced into America to save the Indian from the hardships of servitude. The Indian is now to be robbed of his sole remaining country to form new States, which

are destined to be free States, that the negro may be eventually rescued from slavery."[1]

Mr. Douglas stated the object of the bill to be "to form a line of territorial governments extending from the Mississippi valley to the Pacific ocean, so that we can have continuous settlements from the one to the other."[1]

He also read a clause of the bill to show that no rights of the Indians would be impaired by it, "so long as such rights shall remain unextinguished by treaty between the United States and such Indians."

In the small hours of the morning of the 4th of March, the bill was again tabled by 23 to 17. The same Northern votes, pretty much, against the tabling, the same Southern ones for it; Mr. Fish of New York, Davis of Massachusetts, Truman Smith of Connecticut, and Brodhead of Pennsylvania, voting with the Southerners to table it. And so it ended for that session. The few speeches made are yet very significant of the motives all round, and the reader can form his own judgment of them. The bill itself was silent as to the Act of 1820, and if we judge from the dialogue between Mr. Howe and Mr. Giddings, this silence was interpreted by either side to suit their respective views. To the one it meant that the Legislation of 1820 was rendered a nullity by that of 1850—to the other it was expressive only of the fact that the Act of 1820 still existed in full force, and required no declaration of that existence.

[1] Cong. Globe, Vol. 26, p. 1116.

CHAPTER XVII.

1853–54—Repeal of the Missouri Compromise—Offered by Archibald Dixon, and accepted by Stephen A. Douglas and the Democratic party—Embodied in the Kansas-Nebraska bill.

For years past, there have been continually recurring doubts and questionings as to the true authorship and origin of this Repeal, as well as the motives underlying it. "Plot," "intrigue," "scheming of political leaders," and even harsher epithets, have been freely applied to it as a measure, and its authors have been denounced as traitors to party and country.

There have been many misapprehensions as to the nature and character of the Missouri Compromise itself, but its Repeal has perhaps been more thoroughly misunderstood, and the origin and motives of that Repeal more thoroughly misapprehended and misrepresented than those of any other public measure of like importance.

Perhaps no more striking illustration of this misapprehension could be furnished than the following from the pen of George Ticknor Curtis, author of the "Constitutional History of the United States."[1] Speaking of the Repeal of the Missouri Compromise, he says:

"At what time Mr. Douglas changed his views on this subject can not be determined; but when it became necessary, during the subsequent administration of President Pierce (1853–7), to provide territorial governments for the regions ceded by Mexico to the United States by the treaty of Guadaloupe Hidalgo, Mr. Douglas conceived the project of repealing the Missouri Compromise, . . . and . . . persuaded President Pierce to sign it."

[1] See Vol. 2, p. 260, of that work.

Kankas and Nebraska "regions ceded by Mexico!"

"Regions ceded by Mexico," *in 1848*, subject to the Act of 1820!

Where could Mr. Curtis have studied history? And by what rule of legal arithmetic could he have worked out this problem? Could such an anachronism, such a gross historical blunder, have proceeded from ignorance? With so able and distinguished a writer such a theory is inconceivable, and yet what motive could such a man have had to garble facts in such a way?

As we have seen, the "regions ceded by Mexico" had all been provided with either State or territorial governments in 1850; and the Nebraska Territory, for which alone government was to be provided during President Pierce's administration, was, as every child knew, a part of the Louisiana Territory purchased from France in 1803.

Mr. Curtis' statements as to Douglas and Pierce are quite as contrary to the evidence of the record—and again the question arises, did this inaccuracy of statement proceed from *ignorance?* Did he get his history from second-hand sources, laying aside his own reasoning powers, and accepting blindly all assertions, illogical and conflicting though they might be?[1]

However this may be, as the years go by, these mistaken conceptions crystallize into historical statements, and numerous authors of various histories repeat the misstatements until they may, in time, if not corrected, pass for historical truth.

Having been in a position to know its origin, its author, and its most profound motives better perhaps than any one else could do, the writer proposes, in the interest of the truth of history, to give the facts regard-

[1] Other writers are inaccurate to the last degree—even so accomplished a historian as "Percy Greg" giving, in his "History of the United States," no adequate account of this important measure, of its motives, its true meaning, or its plain and definite purpose.—AUTHOR.

ing this Repeal, including some personal features not hitherto made public.

I will state that from the time of our marriage in October, 1853, I acted as amanuensis for my husband, Hon. Archibald Dixon, and continued, through the years after, to do pretty much all of his writing either from his dictation, or copying articles for the press. So that I was as intimately acquainted with his sentiments, his ideas and feelings as it was possible for another person to be.

When the attempt to organize the Territory of Nebraska, in March, 1853, was made, Mr. Dixon was not in the City of Washington. In September of 1852, he had had an almost fatal attack of cholera; losing his wife, to whom he was most tenderly devoted, of the same dread disease. A severe attack of pleurisy followed, and when he went to Washington in December of 1852, he was in such a state of health as almost to disable him from taking part in any legislation. His wonderful will-power, alone, sustained him, and early in the month of February, his physician, Dr. Hall, ordered him to go South to recuperate. He returned to Kentucky by way of Charleston, South Carolina, not going further South, as the warm, moist air seemed to increase the lung trouble under which he was laboring. He was sufficiently improved to return to Washington in December, 1853, though his health was still exceedingly delicate. It was during this session that he offered the Repeal of the celebrated Missouri Compromise Act.

The failure of the bill to organize Nebraska, the previous session, had not lessened the interest felt in its passage, for or against; and on the first day of the session Mr. Dodge, of Iowa, a Democrat, gave notice of his purpose to introduce a "bill to organize a territorial government for the Territory of Nebraska;" and on December 14th, it was read and referred to the Committee on Territories, of which Stephen A. Douglas was Chairman.

On the 4th of January, Mr. Douglas reported the bill back with amendments, and accompanied by a special report.

The report stated that having given the bill "that serious and deliberate consideration which its great importance demands:" "The principal amendments which your committee deem it their duty to commend to the favorable action of the Senate are those in which the principles established by the Compromise measures of 1850, so far as they are applicable to territorial organization, are proposed to be affirmed and carried into practical operation within the limits of the new Territory. . . . In the judgment of your Committee, those measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican Territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of a similar agitation by withdrawing the question of slavery from the halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in, and alone responsible for, its consequences. With the view of conforming their action to what they regard the settled policy of the Government, sanctioned by the approving voice of the American people, your Committee have deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and spirit of these measures. If any other considerations were necessary, to render the propriety of this course imperative upon the Committee, they may be found in the fact, that the Nebraska country occupies the same relative position to the slavery question, as did New Mexico and Utah, when those Territories were organized.

"It was a disputed point whether slavery was prohibited by law in the country acquired from Mexico."

(The points of the dispute are then stated, with which the reader is already familiar.) The report proceeds: "Such being the character of the controversy in respect to the Territory acquired from Mexico, a similar question has arisen in regard to the right to hold slaves in the proposed Territory of Nebraska, when the Indian laws shall be withdrawn and the country thrown open to emigration and settlement." Quoting the 8th section of the Missouri Act of 1820:—

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the 8th section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and to enjoy the same under the sanction of law. Your Committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850.

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories; so your Committee are not prepared now to recommend a departure from the course pursued

on that memorable occasion, either by affirming or repealing the eighth section of the Missouri Act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

After giving the boundaries of the Territory which they propose to constitute, they say that it shall "afterward be admitted as a State, with or without slavery, as their Constitution may prescribe at the time of their admission; the power being reserved to the General Government to divide the Territory into two or more, as Congress may deem proper." And the bill concludes with the 21st section:

"SEC. 21. *And be it further enacted*, That, in order to avoid all misconstruction, it is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to carry into practical operation the following propositions and principles, established by the Compromise measures of one thousand eight hundred and fifty, to wit:

"*First.* That all questions pertaining to slavery in the Territories, and in the New States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives.

"*Second.* That 'all cases involving title to slaves,' and 'questions of personal freedom,' are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States.

"*Third.* That the provisions of the Constitution and laws of the United States, in respect to fugitives from service, are to be carried into faithful execution in all the 'Organized Territories' the same as in the States."[1]

In other words, the policy was proposed to be the same now as in 1850, strictly non-intervention. Judge Douglas' bill was evidently intended to be in full accordance with the legislation of 1850; of which, as previously stated, he was the real author, and in which

[1] Senate Report, Sess. 1, 33d Congress, Vol. 1, No. 15.

Mr. Dixon had sustained Mr. Clay at the cost of defeat to himself. But, whilst verbally the same, and no doubt intended honestly to carry out the principle of non-intervention, its failure to remove the previous act of *intervention* by Congress, in shape of the act of 1820, stamped it at once as superficial, inefficient, and wholly inadequate to carry into "practical operation" "the principles of the Compromise measures of 1850," so far as their application to the Territory in question was concerned.

The statement in the report that "the Nebraska country occupies the same relative position to the slavery question, as did New Mexico and Utah, when those Territories were organized," was in itself a mistake; and, the premises being incorrect, the conclusion could not be correct. In truth, the relative positions were entirely different. The Mexican Territory was inhabited by a people who had laws of their own, who hated slavery, and had made laws against it; and it would have been an act of cruel and unrestrained power, entirely at war with our system of government, to have legislated slavery into a country where the people were opposed to it. On the contrary, Nebraska was inhabited by wild tribes of savage Indians, who were never acknowledged as citizens, who had no recognized laws of their own, and who would yield their Territory by treaty to the United States for occupation by citizens and emigrants from those States—the only law ever made for that country, excepting those for the control of the Indians, being the act of March 6, 1820, which was designed for the purpose of excluding, from any practical possession of it, the citizens of one entire section of the United States; although such citizens possessed an equal and inalienable right in that Territory, and of which right they were deprived by this unjust, arbitrary, and unconstitutional exercise of power on the part of Congress. Non-intervention as to the existing laws of Mexico meant self-government to its inhabitants already occupying the

country. Non-intervention as to the act of 1820, Nebraska's only law, meant simply the deprivation to the citizens of the Southern section of all property or right in that Territory; it meant its appropriation by the Northern section solely, to the exclusion of the Southern, who owned it equally with the North, and felt it not only a wrong, but an indignity, to be so excluded. The "relative positions," therefore, of the Nebraska Territory, and that of New Mexico and Utah, were in reality entirely different—the legislation of 1850 having to do with a conquered country whose people already had laws of their own, and through its non-intervention leaving to them the right of self-government; whilst that of 1854 had to do with a Territory acquired by a definite treaty of purchase, whose inhabitants, as citizens, were as yet *in futuro*, but were already pre-ordained to the deprivation of that right, and under the ban of a pre-existing ordinance in the making of which they would have had no part nor lot—which ordinance not only violated the stipulations of the treaty of purchase, but also the principle of the equal rights of the States, as well as the right of occupancy by one-half of the citizens of the United States.

Mr. Dixon's keen legal acumen made it impossible for him not to discern the deficiency in this bill, apparently so fair; and with the bold directness of purpose which characterized him, and which is utterly incompatible with "intrigues" or "plots," he determined to secure the absolute repeal of the restriction, so as to leave the Territories open to the South equally with the North, and then let climate, soil, and natural emigration determine the character of the settlers therein, who should decide for themselves the question of slavery or no slavery. To the best of my belief and knowledge, Mr. Dixon consulted no one in this matter. A life-long Whig, a determined States-rights man, as well as a devoted Unionist, as much opposed to forcing slavery on a people who did not want it, as he was to having emanci-

pation forced on the people of Kentucky by their Convention, and a strict believer in the equality of the States, he saw clearly what was due to the South, and believed that the justice denied her in 1850 could now be procured for her from Congress. A bold and original thinker, accustomed to lead and to command by the force of a will which bore down all obstacles, and a courage that was dauntless, he asked no advice on a point that was as clear to him as daylight. He knew the nature of the Missouri Compromise; he knew it was no sacred compact, but simply an act of Congress, which, unjust as it was, the South had submitted to through her devoted love for the Union; he knew that it was *intervention*, and, as such, utterly opposed to the true principle of *non-intervention*, for which he had made such a gallant fight in the State of Kentucky.

He believed that the principle of non-intervention, being the right principle, and so acknowledged and accepted by Congress, should be applied to Nebraska as well as to California and New Mexico; otherwise, it was not a principle at all, but only an expedient, a makeshift. He saw that Judge Douglas' bill, though seemingly framed on the plan of non-intervention, would not in reality carry out that principle at all; that so far as any practical participation of the Southern people in those Territories was concerned, the Wilmot Proviso, which had been steadily rejected by Congress in 1850, could not more effectually exclude them than they were already excluded by the Act of 1820; for the Wilmot Proviso could only have prohibited slavery forever in all the territory to which it might have been applied. The Act of 1820 did the same as to the Territory in question; and, until it should be directly repealed, it would effectually and practically preclude the Southern people from settling in Kansas and Nebraska, whilst they were Territories, by the exclusion of their slaves, their laboring class, the labor to which they were accustomed, which they preferred, to which they were entitled under

the Constitution; without which they would not go to settle up new lands, and which they believed they had a perfect right to carry with them into any and all of the Territories of the United States—they being the common property of the people of all the States.

If the Southern people, therefore, were to be virtually precluded from possession of the country during its territorial phase, what advantage could they derive from the permission to those Territories to "be admitted as States, with or without slavery, as their Constitutions might prescribe at the time of their admission?" If they were to be *effectually*, even though *indirectly*, excluded from entering upon these Territories, what good would it do them that there was in the twenty-first section a provision that "all questions pertaining to slavery in the Territories and new States to be formed therefrom are to be left to the decision of the people residing therein, through their appropriate representatives?" *Cui bono?* When they were to be no part of "the people"—when they would have no voice in choosing the representatives through whom the question should be decided—when they were practically to be kept out of these Territories by law—by a law that was *intervention* of the most forcible kind to a law-abiding people. So long as that act of intervention was in force, it was a farce to talk of non-intervention by Congress, for Congress had already intervened. Such non-intervention was only a sham; to make it a reality, to carry out the principle fairly and squarely, that act of *intervention* must be done away with.

Mr. Dixon believed that the Act of 1820 was an unconstitutional act; he knew that Mr. Clay was *not* the author of it; that it was proposed by a Northern man, and was acceded to by the South solely from a fear of the disruption of the Union to which she was then most devotedly attached; he knew it was not a compact in any sense of the word, and not regarded as such when made (for it was repudiated by the Northern majority

in less than a year after it was passed), but only an act of Congress which any future Congress could repeal at its will; he knew that it had been rejected as a settlement of the California question again and again, and the principle of non-intervention adopted in its stead; he believed, from the election of Franklin Pierce on the platform of non-intervention, that the Northern people were now ready to do that justice to the South which Mr. Clay had claimed for her in 1850, but declared could not then be obtained; he believed in the patriotism and sense of justice of the North, and that the intelligence and patriotism of the many would control the folly and fanaticism of the few; he felt that to allow such a pretense and sham of non-intervention to take the place of that broad reality for which he had contended with all his might in his own State in 1851, would be to stultify himself; it would be accepting the shadow for the substance and sacrificing the rights of an entire section as well as the principle he had contended for so strongly, and to the support of which he had pledged himself. Justice, good faith, and fealty to this great principle demanded of him to see it fairly carried out in reality; that Congress should not, as he quoted in a letter to the Louisville Courier in 1854, "keep the word of promise to the ear and break it to the hope." He knew that non-intervention was founded on the idea that, as Mr. Clay had said in 1850, "justice to the South required, if slavery were *prohibited north* of a line, it *should be admitted south* of that line—but, as every one knew, not twenty votes in either House could be gotten for the recognition of slavery south of 36° 30′—so he thought non-legislation best for the South, best for all parties." If this proposition were true, its converse was equally so; if slavery were *not admitted* south of a line, it should *not be prohibited* north of it.

Mr. Dixon saw plainly the speciousness of the proposition that the new States might come in "with or without slavery, as their Constitution may prescribe at the

time of their admission," when not a slave-holder could enter the Territory with his property until *after* the Constitution of the State had been made, permitting slavery—and what possible chance would there be for such a provision in any Constitution made exclusively by people who owned no slaves? Mr. Dixon saw that only by the removal of the restriction of 1820 could the South be restored to her equal rights in the Territories of the United States, and non-intervention be made to mean something more than a mere phrase; and until this legislation, this act of intervention, should be removed, it was a farce to say that these Territories were organized on the principle of non-intervention, of equality between all the people of all the States.

Nor was this principle a mere abstraction. It was an absolute necessity to the South to have some place of exodus for the large yearly increase of her slave population, which in time threatened to make of her a second San Domingo; and it was also a necessity to her to acquire more slave States in order to protect herself from the acquirement by the Northern States of that three-fourths majority in legislation, which would enable them, *constitutionally*, to set the slaves of the South free, without deportation, without compensation to their owners, and under whatever laws that majority might choose to enact.

There was at that time no place of exodus for the negroes of the South within the United States; the free States had all (or with rare exception) passed laws forbidding the freed slaves to enter their borders—the Mexican Territories were closed to them, free and slave, by force of the laws of nature; and the Louisiana Territory, from which the slaves were excluded by Act of Congress of 1820, was the only Territory possible for the purpose of their removal.

The repeal of this act would open this great Territory to the South equally with the North, so far as intervention by Congress was concerned, and this repeal

was demanded by the necessity for self-preservation on the part of the Southern people, as well as by the principle of equality of the States.

Not only was Mr. Dixon actuated by his sense of right, of necessity, of justice, and fealty to principle, but he also believed firmly that it would be far better for the peace of the country to remove the whole question of slavery to the Territories, to be there settled by the people themselves, and as soil and climate might dictate, entirely free from any intervention by Congress; and so prevent all discussion of it by Congress. For he saw what was patent to any observer; that Washington City, nay, the Capitol itself, was the center of sectionalism, the very hot-bed of disunion. The radicals of the northern section declaring they would not remain in a Union with slave-holders; the radicals of the southern section declaring they would prefer disunion to abolition; the enmity between the Northern and Southern members growing in bitterness each day, and the interchange of courtesies more scant.

In the Capitol contemptuous and cutting sarcasms, personal scorn, and personal hatred were day by day widening the breach between North and South. Seeing all these things, Mr. Dixon believed that peace could be preserved, to the whole country, only by the removal of the cause of irritation, viz: the question of slavery; and at the same time carrying out the principle of non-intervention fairly and squarely, so as to do justice on both sides.

This was his idea and these his motives.

To a man of his lofty integrity, his high sense of justice, his unshrinking courage, but one course was open—to claim for the South what she was fairly entitled to, a practical and real equality in the Union of the States.

With him to know his duty was to do it.

The evening before Mr. Dixon gave notice of his amendment to the Nebraska bill, he requested me to get my pen and paper, as he wished me to do some

33d Cong
1st Sess

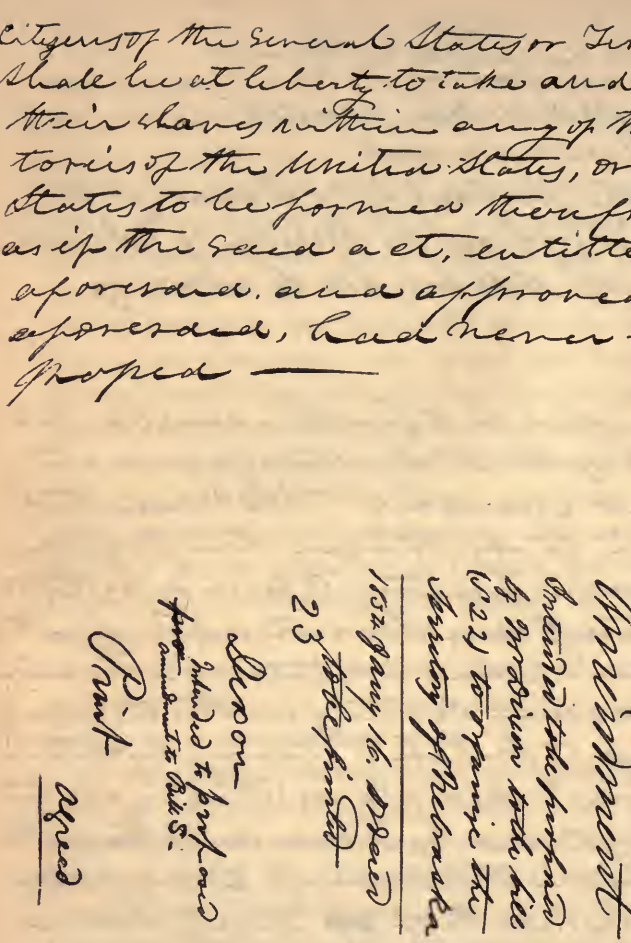
S 22
In the Senate of the United States,
January 16. 1854

Ordered to be printed.

Amendment

Intended to be proposed by Mr Dixon, to the bill (S 22) "To organize the Territory of Nebraska" viz at the end of the bill add the following

Sec. 22 And be it further enacted that so much of the 8th section of an act, Approved March 6th 1820 entitled an act to authorize the people of the Missouri Territory, to form a Constitution and State Government and for the admission of such State into the Union On an equal footing with the original States, and to prohibit Slavery in certain Territories, as declares "That in all that Territory ceded by France to the United States, under the name of Louisiana which lies North of ~~36~~ Thirty six degrees and thirty minutes North Latitude Slavery and involuntary Servitude, otherwise than in the punishment of Crimes whereof the parties shall have been duly convicted shall be forever prohibited," Shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; But that the



Citizens of the several States or Territories shall be at liberty to take and hold their slaves within any of the Territories of the United States, or of the States to be formed therefrom as if the said act, entitled as aforesaid, and approved as aforesaid, had never been proposed —

33rd Cong
1st Sess

S. 22

Amendment

Intended to be proposed by Mr Dixon to the bill (S 22) to organize the Territory of Nebraska

1854 Jany 16. Ordered to be printed

23

Dixon
Intended to proposed ~~pro~~ amendment to Bill S.

Print

agreed

The above amendment was lithographed by the National Bureau of Med. Bibliography, for me, from the original, now in the Archives of the Senate, and which was loaned me by the Senate, on motion of Hon. Daniel Voorhees, for the purpose of securing a lithographic copy. The *Fac Simile* is here reduced one-third as to size of paper, and also of handwriting.—AUTHOR.

We, the undersigned, do certify that the above *Fac Simile* is a true copy of the *Fac Simile* furnished us by Mrs. Archibald Dixon, except that it is reduced to one-third the size of the original. THE ROBERT CLARKE COMPANY.

writing for him. Walking up and down the room with his hands behind him, a favorite attitude, he dictated to me his motion for the repeal of so much of the act of 1820 as prohibited slavery north of the line of 36° 30′. Knowing at that time nothing whatever of the question, being in fact another edition of Dora holding the pens, I had great difficulty in following his rapid dictation, and had to write and rewrite it a number of times. At last, however, I succeeded in getting it written so as to be satisfactory to him. He copied the draft which I made, but whether that evening or the next day I do not remember.

In the morning he showed the paper to Governor Jones, of Tennessee, a Whig Senator, and his warm personal friend.

The same day, January 16, 1854, he gave notice to the Senate that "when the bill to establish a territorial government in the Territory of Nebraska should come up for consideration, he should offer the following amendment:[1]

"SEC. 22. *And be it further enacted*, That so much of the 8th section of an act approved March 6, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," as declares "That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted shall be forever prohibited," shall not be so construed as to apply to the Territory contemplated by this act, or to any other Territory of the United States; but that the citizens of the several States and Terri-

[1] Of which the *fac-simile* is given herewith.

tories shall be at liberty to take and hold their slaves within any of the Territories of the United States, or of the States to be formed therefrom, as if the said act, entitled as aforesaid and approved as aforesaid, had never been passed."

The next day, not feeling well, Mr. Dixon remained at home; and, then, for the first time, I began to comprehend that the paper I had written out contained something very unusual. Our parlor was crowded all day with visitors; members of Congress, Whigs and Democrats; all congratulatory, all expressing a delighted surprise.

The announcement of Mr. Dixon's proposal to repeal the prohibitory section of the act of 1820, created an intense excitement not only in Washington, but over the whole country, being hailed with delight at the South, and denounced fiercely at the North by both Whigs and Abolitionists, whilst Northern Democrats at first stood aghast, even those who had condemned the restriction as unconstitutional; for they suspected that it was a bomb-shell thrown by a Whig into the Democratic camp in order to destroy their party.

The Kentucky delegation was a unit in enthusiasm over the repeal. I remember in especial, Gen. Wm. Preston, the Whig member from Louisville, and John C. Breckinridge. As Gen. Preston opened the door, about half way, which his generous breadth and height of figure almost filled, he exclaimed, with that peculiar smile of his (which those who knew him will recall) lighting up every feature—"Eureka," and then shook hands with Mr. Dixon in the warmest manner. While standing there, John C. Breckinridge, a Democrat, came in, walked up to Mr. Dixon, and holding his hand, said in the most impressive way, and with the greatest emphasis, "Governor, *why did none of us ever think of this before?*"

In the afternoon, I think, of the next day, or it may have been the day after, Judge Douglas called to see

Mr. Dixon, and asked him to drive out with him, so that they might have the opportunity to talk uninterruptedly. Upon Mr. Dixon's return he told me of the conversation between them, and of the arguments he had used—and that finally Judge Douglas had said of the repeal—"By G–d, sir, you are right, and I will incorporate it in my bill, though I know it will raise a hell of a storm."

Now the above are the simple facts, as I personally know them, of the motion for the repeal of the Missouri Compromise.

Mr. Dixon relates a part of this conversation in a letter to Hon. H. S. Foote, of Mississippi, who had asked his views as to the political situation. Mr. Foote had taken an active part in the Compromise of 1850, as Senator from Mississippi, was a Democrat and a devoted Unionist. The letter is dated October 1, 1858, and was published in the Louisville Democrat. After declaring his approbation of Judge Douglas' views in every thing that he regarded as "material," and expressing his deep interest in his success; after scoring Mr. Buchanan for his departure from the principle of non-intervention in the Kansas-Le Compton matter (in which he attempted to force slavery upon the people of Kansas against the expressed will of the majority); and for his course towards Douglas in the celebrated Senatorial contest then going on, between Douglas and Lincoln—Mr. Dixon says: "Of Judge Douglas personally, I have a few words to utter which I could not withhold, without greatly wronging my own conscience:

"When I entered the United States Senate a few years since, I found him a decided favorite with the political party then dominant both in the Senate and the country. My mind had been greatly prejudiced against him, and I felt no disposition whatever to sympathize, or to cooperate with him. It soon became apparent to me, as to others, that he was upon the whole, far the ablest Democratic member of the body. In the progress of time my respect for him, both as a gentleman and a states-

man, greatly increased. I found him sociable, affable, and in the highest degree entertaining and instructive in social intercourse. His power as a debater, seemed to me unequaled in the Senate. He was industrious, energetic, bold and skillful in the management of the concerns of his party.

"He was the acknowledged leader of the Democratic party in the Senate, and, to confess the truth, seemed to me to bear the honors which encircled him with sufficient meekness. Such was the palmy state of his reputation and popularity on the day he reported to the Senate his celebrated Kansas and Nebraska bill.

"On examining that bill, it struck me that it was deficient in one material respect: it did not in terms repeal the restrictive provision in regard to slavery embodied in the Missouri Compromise.

"This, to me, was a deficiency that I thought it imperatively necessary to supply. I accordingly offered an amendment to that effect.

"My amendment seemed to take the Senate by surprise, and no one appeared more startled than Judge Douglas himself. He immediately came to my seat and courteously remonstrated against my amendment, suggesting that the bill which he had introduced was almost in the words of the territorial acts for the organization of Utah and New Mexico; that they being a part of the compromise measures of 1850, he had hoped that I, a known and zealous friend of the wise and patriotic adjustment which had then taken place, would not be inclined to do any thing to call that adjustment in question or weaken it before the country. I replied that it was precisely because I had been, and was, a firm and zealous friend of the compromise of 1850, that I felt bound to persist in the movement which I had originated; that I was well satisfied that the Missouri restriction, if not expressly repealed, would continue to operate in the Territory to which it had been applied, thus negativing the great and salutary principle of *non-*

intervention which constituted the most prominent and essential feature of the plan of settlement of 1850. We talked for some time amicably, and separated. Some days afterwards, Judge Douglas came to my lodgings, whilst I was confined by physical indisposition, and urged me to get up and take a ride with him in his carriage.

"I accepted his invitation and rode out with him. During our short excursion we talked on the subject of my proposed amendment, and Judge Douglas, to my high gratification, proposed to me that I should allow him to take charge of the amendment and engraft it on his territorial bill. I accepted the proposition at once; whereupon a most interesting interchange occurred between us. On this occasion, Judge Douglas spoke to me in substance thus:

"'I have become perfectly satisfied that it is my duty, as a fair-minded national statesman, to co-operate with you as proposed in securing the Repeal of the Missouri Compromise restriction.

"'It is due to the South; it is due to the Constitution, heretofore palpably infracted; it is due to that character for consistency which I have heretofore labored to maintain. The Repeal, if we can effect it, will produce much stir and commotion in the free States of the Union for a season. I shall be assailed by demagogues and fanatics there without stint or moderation. Every opprobrious epithet will be applied to me. I shall be, probably, hung in effigy in many places. It is more than probable that I may become permanently odious among those whose friendship and esteem I have heretofore possessed. This proceeding may end my political career. But acting under the sense of duty which animates me, I am prepared to make the sacrifice. I will do it.'

"He spoke in the most earnest and touching manner, and I confess that I was deeply affected. I said to him in reply:

"'Sir, I once recognized you as a demagogue, a mere party manager, selfish and intriguing. I now find you a warm-hearted and sterling patriot.

"'Go forward in the pathway of duty as you propose, and though all the world desert you, I will never.'

"The subsequent course of this extraordinary personage is now before the country. His great speeches on this subject, in the Senate and elsewhere, have since been made. As a true national statesman—as an inflexible and untiring advocate and defender of the Constitution of his country—as an enlightened, fair-minded, and high-souled patriot; he has fearlessly battled for principle; he has, with singular consistency, pursued the course which he promised to pursue when we talked together in Washington, neither turning to the right nor to the left. Though sometimes reviled and ridiculed by those most benefited by his labors, he has never been heard to complain. Persecuted by the leading men of the party he has so long served and sustained, he has demeaned himself, on all occasions, with moderation and dignity; he has been ever earnest in the performance of duty, energetic in combatting and overcoming the obstacles which have so strangely beset his pathway, and always ready to meet and overcome such adversaries as have ventured to encounter him. *He has been faithful to his pledge;* he has been true to the South and to the Union, and I intend to be faithful to my own pledge. I am sincerely grateful for his public services.

"I feel the highest admiration for all his noble qualities and high achievements, and I regard his reputation as part of the moral treasures of the Nation itself. And now, in conclusion, permit me say that the Southern people can not enter into unholy alliance for the destruction of Judge Douglas, if they are true to themselves, for he has made more sacrifice to sustain Southern institutions than any man now living. Southern men may, and doubtless have, met the enemies of the South in the Councils of the Nation, and sustained, by their votes and speeches,

her inalienable rights under the Constitution of our common country; Northern men may have voted that those rights should not be wrested from us; but it has remained for Judge Douglas alone, Northern man as he is, to throw himself 'into the deadly imminent breech,' and like the steadfast and everlasting rock of the ocean, to withstand the fierce tide of fanaticism, and drive back those angry billows which threatened to engulf his country's happiness.

"I have the honor to be very respectfully and cordially your friend and fellow-citizen,

"ARCHIBALD DIXON."

To one who knows any thing of the history of those times, it is easy to comprehend why Mr. Dixon gladly accepted Judge Douglas' proposition to "take charge of his amendment and engraft it on his bill." He knew, as did Douglas, that while Southern Whigs, as well as Democrats, would be in favor of the amendment, Northern Whigs would be solidly against it, for they were, even then, fast drifting to Abolitionism; but if the Northern Democracy would give it their support, with the aid of the South, it was bound to succeed. Being only anxious for the success of the measure, which he had offered on principle and not for any self-advancement, he was glad to place it in the hands of so able a champion as Judge Douglas, who supported it with all the fire of his genius, the energy of his enthusiasm, and the courage of his convictions, from the moment he undertook to right what he saw to be a great wrong; and who, as the leader of the Democratic party, was in a position to do so far more successfully than any one else could have done.

That Judge Douglas was influenced solely by a conviction of right, Mr. Dixon never doubted for an instant, and preserved for him always that respect which one

honest man feels for another whom he believes to be equally so.

It is unquestionable that this conviction on the part of Douglas was forced upon him by the clear and able presentment to his mind, by Mr. Dixon, of the injustice, unfairness and *inconsistency* of the Missouri Compromise under all the circumstances, as well as the unconstitutionality of the Act itself.

Judge Douglas had accepted the theory of the "sacredness" of that Compromise at second hand, as did the Northern people generally, without knowing the facts in the case. When, however, he investigated them for himself, he changed his whole views, and did not hesitate to proclaim them boldly and unreservedly. Here are his conclusions in his own language. In a debate with Mr. Seward of March 3, 1854—he says:

"I stated that the North in the House of Representatives voted against admitting Missouri into the Union under the Act of 1820, and caused the defeat of that measure; and he (Seward) said that they voted against it on the ground of the free-negro clause in her constitution, and not upon the ground of slavery, Now, I have shown by the evidence that it was upon the ground of slavery, as well as upon the other ground; and that a majority of the North required not only that Missouri should comply with the compact of 1820, so-called, but that she should go further, and give up the whole consideration which the Senator says the South received from the North for the Missouri Compromise. The compact, he says, was that, in consideration of slavery being permitted in Missouri, it should be prohibited in the Territories. After having procured the prohibition in the Territories, the North, by a majority of her votes, refused to admit Missouri as a slave-holding State, and, in violation of the alleged compact, required her to prohibit slavery as a further condition of her admission. This repudiation of the alleged compact by the North is recorded by yeas and nays, 61 to 33, and entered upon

the Journal as an imperishable evidence of the fact. With this evidence before us, against whom should the charge of perfidy be preferred?

"Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say that it is a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact in any sense of the term. But if it was, the record proves that faith was not observed—that the compact was never carried into effect—that after the North had procured the passage of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State in conformity with the Act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill—that there was a solemn compact between the North and South that, in consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union in conformity with the Act of 1820—that contract was repudiated by the North, and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the Act of the 6th of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally, admitted on a condition not embraced in the Act of 1820, and in addition to a full compliance with all the provisions of said act. . . . I think I have shown that to call the Act of the 6th of March,

1820, a compact, binding in honor, is to charge the Northern States of this Union with an act of perfidy unparalleled in the history of legislation or of civilization."

Of the Act of 1821 and the clauses in the Constitution of Missouri, to which objection was made, he says:

"If they did conflict with the Constitution of the United States, they were void; if they were not in conflict, Missouri had a right to put them there and to pass all laws necessary to carry them into effect. Whether such conflict did exist is a question which, by the Constitution, can only be determined authoritatively by the Supreme Court of the United States. Congress is not the appropriate and competent tribunal to adjudicate and determine questions of conflict between the Constitution of a State and that of the United States. Had Missouri been admitted without any condition or restriction, she would have had an opportunity of vindicating her Constitution and rights in the Supreme Court, the tribunal created by the Constitution for that purpose.

"By the condition imposed upon Missouri, Congress not only deprived that State of a right which she believed she possessed under the Constitution of the United States, but denied her the privilege of vindicating that right in the appropriate and constitutional tribunals by compelling her, 'by a solemn public act,' to give an irrevocable pledge never to exercise or claim the right. Therefore, Missouri came in under a humiliating condition—a condition not imposed by the Constitution of the United States, and which destroys the principle of equality which should exist, and by the Constitution does exist, between all the States of this Union. This inequality results from Mr. Clay's compromise in 1821, and is the principle upon which that compromise was constructed. . . . I have before me the 'solemn public act' of Missouri to this fundamental condition. Whoever will take the trouble to read it will find it the

richest specimen of irony and sarcasm that has ever been incorporated into a solemn public act.'"[1]

(On February 14, 1854, an allusion being made to the same "solemn public act" by Mr. Badger, of North Carolina, Mr. Everett asked:

"Mr. Everett: Did not Mr. Clay draw up that provision?

"Mr. Badger: I do not know. I think I recollect hearing Mr. Clay once on this floor say, in substance, that he laughed in his sleeve at the idea that people were so easily satisfied.

"Mr. Butler: I heard him say it."[2]

One can easily imagine that Mr. Clay could laugh in his sleeve to see men pretending to be "satisfied" with, and glad to take refuge under, a political sarcasm never equaled, and a political irony which he, of course, fully appreciated when he placed it before them.)

Douglas further said in this same debate:

"Mr. President, I have also occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri Compromise, and the dishonor attached to the violation of plighted faith. I have exposed these matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri Compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people.

"The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in

[1] App. Cong. Globe, Vol. 29, p. 329–331. [2] Idem, p. 147.

order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

"Now, sir, if these gentlemen have entire confidence in the correctness of their position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the Colonies separated from the crown of Great Britain; the principle upon which the battles of the Revolution were fought; and the principle upon which our republican system was founded. They can not be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the imperial Government to interfere with the internal affairs and domestic concerns of the Colonies. . . . The Missouri Compromise was interference; the compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility, regardless of consequences personal to myself."[1]

Nothing can be added to Judge Douglas' own declarations that would make them stronger or more unequivocal as regards the Missouri Compromise; and as regards his position on non-intervention, it was identical with that of Henry Clay, who adopted, as his own, Douglas' bill in 1850; and who, it can not be doubted, would have taken exactly the same view that Douglas took in 1854 after the facts, as they really existed, had been presented to his mind.

[1] App. Cong. Globe, Vol. 29, p. 337.

CHAPTER XVIII.

1854—President Pierce's position—Letter from Hon. Jefferson Davis—Free Soilers' Address—Speech by Douglas.

On the 17th of January, Mr. Douglas gave notice that on the next Monday he would ask the Senate to take up the bill to organize the Territory of Nebraska.

On the same day, Mr. Sumner gave notice that he would offer an amendment, "That nothing herein contained shall be construed to abrogate or in any way contravene the act of March 6, 1820, etc." [1]

On the 23d, the Monday following, Mr. Douglas submitted a report from his Committee to the Senate, which proposed as a further amendment the bill (or a substitute, rather,) to create two Territories in place of one—one to be called Kansas. And then—

"The section providing for the election of a Delegate is amended by adding to the words, 'that the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States,' the following:

" 'Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the Compromise measures, and is declared inoperative.' " [2]

It is to be noted that this amendment, which practically incorporated the amendment proposed by Mr. Dixon, was reported exactly seven days after notice was given by him of his motion to repeal the eighth section of the act of 1820, and not over five days after the conversation between Mr. Dixon and Judge Douglas, as

[1] Cong. Globe, Vol. 28, p. 186. [2] Idem, p. 222.

heretofore related. Truth is said to be stranger than fiction; truth is, also, often simpler than fiction, and carries its evidence on its face.

Many various statements as to President Pierce's position towards Judge Douglas' Kansas-Nebraska bill having been made, to the effect that his administration was secretly opposed to the Repeal of the Missouri Act, and that Judge Douglas forced it upon his party, a letter is here given from Hon. Jefferson Davis, in response to one of inquiry from the writer, which settles those questions, he being Secretary of War at that time and in a position to know whereof he speaks, and a man, moreover, whose word has never been doubted by even his bitterest enemies.

This letter of inquiry was addressed to Mr. Davis, in consequence of an article in the Courier-Journal upon the unveiling of Douglas' monument, in Chicago, in 1878

Speaking of Douglas, it said: "He became the mainstay of the Administration, which, under the inspiration of Jefferson Davis, then Secretary of War, devised a measure for the Repeal of the Missouri Compromise. Away down at the bottom of this scheme lay a plan to make a Territory west of Missouri, which would send old David Atchison, who had lost his seat, back to the Senate of the United States, in order that he might continue the agreeable game of whist and the somewhat prosy classic discussions which had been going on for years between him and old Mason, of Virginia, and that particular clique of ponderous respectabilities. It took an amount of hauling to drag Douglas in; but the united efforts of the Administration, and the urgency of General Robert Armstrong, the owner of the Washington Union—a man of great personal influence and popularity in those days, and the father-in-law of Arnold Harris, Douglas' chief friend—prevailed. Being in, the Little Giant, with Alexander H. Stephens as his lieutenant in the House, made a great and successful fight,

laying the foundation for the war of secession, and procuring his own political ruin.

"His career was a failure. Brief and brilliant, its mark was effaced in blood. It will live in history only as a half-told tale."

August 5, 1878, the same paper published a letter from the writer, which briefly stated the facts in the case, and, among other things, said: "Neither the Administration, nor Mr. Davis, nor yet General Armstrong, was consulted with regard to the acceptance by Judge Douglas of the amendment, unless, perhaps, after his decision. It was reached exactly as I tell you, from a conviction of right and justice.

". . . If his career was a failure, it was because men more wild—because when the storms of sectional hatred and jealousy raged most fiercely he steadily held up the beacon-light of the Constitution and would not desert his principles—because he was one against whom his ablest assailant, Mr. Benjamin, of Louisiana, could find no greater charge than that 'he adhered too closely to his principles; he was too consistent!'"[1]

Some time after the publication of this letter, the writer addressed one to Mr. Davis, and received the reply here given:

"BEAUVOIR P. O., HARRISON, CO., MISS.
"27*th Sept.*, 1879.

"MY DEAR MRS. DIXON: Though this acknowledgment of your letter has been long delayed, believe me it has not arisen from any want of sympathy in your purpose, or willingness to protect the memory of your true hearted husband from the injustice to which you refer. I was not a member of the Senate when the Kansas-Nebraska bill was introduced, and enacted. Of the preliminary action, my engrossing duties in the War Office rendered me but little attentive, and my books, papers, and letters

[1] Louisville Courier-Journal, August 5, 1878.

were so extensively pillaged during, as well as after, the war, that I have but little to which I can refer to refresh my memory of events occurring at the period to which your inquiries tend. What I do know, and distinctly remember, I will relate:

"On Sunday morning, before the hour of church, Judge Douglas, with a number of members of the Senate, and Ho. of Rep's, came to my residence and explained to me that the Committee on Territory of the Senate and House, had agreed upon a bill which Judge Douglas as Chairman of the Committee on Territories would report the next morning to the Senate, simultaneously with a like report in the House, if the bill should receive the sanction, and be supported by the President.

"After considering the terms of the bill, and seeing in them nothing which I could not approve, or from which I believed the President would dissent, I told the gentlemen that they were either a day too late or too early, that the President received no visitors on Sunday, but that they could readily consult him to-morrow. It was then explained that the morrow, Monday, was the day on which the Committee of the House could report, and to loose that opportunity would involve much delay, and that they had therefore come to me to secure for them an interview with the President. I went with them, left them in his audience chamber, and after explaining to him the circumstances of the visit, he returned with me to meet the gentlemen waiting. When the bill had been fully explained to him, its text, its intent, and its purpose, he, as anticipated, declared his opinion in its favor, and the gentlemen left him with the assurance they came to obtain before testing the question of their bill before the two Houses of Congress.

"All the stories which attribute to President Pierce the inauguration of the Kansas-Nebraska bill, as well as those which would make him first oppose and then approve it, are *utterly* false. His course in the U. S. Senate, to all who had marked and pondered it, suffi-

ciently foreshadowed his action upon any question involving the power of the Federal Government, and the people of the States. As to myself, I have stated at what stage I became acquainted with the Kansas-Nebraska bill, but the gentlemen who came to visit me knew sufficiently well my opinion as to the rights of the people of the States in the common property, the Territories of the United States, to come to me for aid as far as I could render it, to promote the purpose then declared —the fulfillment of the Compromise of 1850, the recognition of the equal rights of all the people of the States, and the repeal of a law discriminating specially against one section of the Union. The States Rights doctrine of the Constitution, the creed of the men who won our Independence and formed the Union, had no abler or more faithful advocate than your honored husband, Archibald Dixon, at that time Senator of Kentucky. He who introduced the provision into the Constitution of Kentucky, protecting the rights of property against the power of Legislature or Conventions, might well have been looked to for such an amendment as that which he is reported to have offered to the bill of Mr. Douglas in its original form.

"When in 1850, the proposition was made to extend the line of 36° 30′, called the Missouri Compromise line, it was opposed on the ground that the Government had no delegated power to control the institutions of the States, and that the Territory should be left free as embryo States, to mold themselves as climate and production might decide. This being, as Mr. Douglas used to express it, the true intent and meaning of the action of 1850, the resulting consequence, as any honest mind must admit, was the repeal of the Missouri Compromise in regard to all the Territory of the United States. Mr. Dixon did not require any other motive than that which integrity and constitutional law so plainly dictated, but if he had, the motive assigned in connection with the Hon. Mr. Atchison is wanting in that consistency which truth

always possesses. Those who knew that gentleman intimately, knew that he left the Senate with no desire to return, and that neither his pride nor his principle would have allowed him to accept a position obtained as this story would represent to have been contemplated.

"I am, Madam, yours faithfully,

"JEFFERSON DAVIS."

It will be seen from this letter that President Pierce did not hesitate a moment to do what he believed his duty called him to do—what was not only entirely consistent with his past record as a statesman, but a refusal to do which would have stamped him as recreant to all his own pledges to sustain the principles of the Compromise of 1850. And Judge Douglas went into the Senate Chamber on that Monday morning, armed with the double panoply of right and justice, and sustained by the entire power of approval of the Administration.

On the next day, the 24th, Mr. Douglas moved that the Senate proceed to the consideration of the bill to organize the Territories of Kansas and Nebraska. Mr. Chase, Mr. Sumner, and some others expressed the wish to postpone it for a week or more, and Mr. Douglas submitted a "motion that the bill be postponed to, and made the special order of the day for, Monday next, and be the special order from day to day until disposed of."

"Mr. Dixon: I hope the motion of the Senator from Illinois will prevail. I think it due to the Senate that they should have an opportunity of understanding precisely the bearings and the effect of the amendment which has been recently incorporated into the bill as originally reported by the Committee—I mean that portion of the amendment which alludes to slavery within the Territories proposed to be organized—Nebraska and Kansas. So far as I am individually concerned, I am perfectly satisfied with the amendment reported by the Senator from Illinois, and which has been incorporated

into the bill. If I understand it, it reaches a point which I am most anxious to attain—that is to say, it virtually repeals the Act of 1820, commonly called the Missouri Compromise Act, declaring that slavery should not exist north of the line of 36° 30′, north latitude.

"I here take occasion to remark, merely with a view of placing myself right before the Senate, that I think my position in relation to this matter has been somewhat misunderstood.

"I have been charged, through one of the leading journals of this city, with having proposed the amendment which I notified the Senate I intended to offer, with a view to embarrass the Democratic party. It was said that I was a Whig from Kentucky, and that the amendment proposed by me should be looked upon with suspicion by the opposite party. Sir, I merely wish to remark that, upon the question of slavery, I know no Whiggery, and I know no Democracy. I am a pro-slavery man. I am from a slave-holding State; I represent a slave-holding constituency; and I am here to maintain the rights of that people whenever they are presented before the Senate.

"The amendment, which I notified the Senate that I should offer at the proper time, has been incorporated by the Senator from Illinois into the bill which he has reported to the Senate. The bill, as now amended, meets my views, and I have no objection to it. I shall, at the proper time, as far as I am able to do so, aid and assist the Senator from Illinois, and others who are anxious to carry through this proposition, with the feeble abilities I may be able to bring to bear upon it. I think it due to myself to make this explanation, because I do not wish it to be understood that upon a question like this, I have, or could have, any motive except that which should influence a man anxious to secure what he believes to be a great principle—that is, congressional non-interference in all the Territories, so far as this great question of slavery is concerned.

"I never did believe in the propriety of passing the Missouri Compromise. I thought it was the result of necessity. I never thought that the great Senator from Kentucky, Mr. Clay, when he advocated that measure,[1] did so because his judgment approved it, but because it was the result of a combination of circumstances which drove him to the position he assumed; and I have never thought that that measure received the sanction either of his heart or of his head.

"The amendment, then, which I gave notice that I would propose, and which I intended to have proposed, if it had not been rendered wholly unnecessary by the amendment reported by the Senator from Illinois, from the Committee on Territories, of which he is the honored Chairman—I intended to offer, under the firm conviction that I was carrying out the principles settled in the compromise acts of 1850; and which leave the whole question of slavery with the people, and without any congressional interference. For, over the subject of slavery, either in the States or Territories of the United States, I have always believed, and have always contended, that Congress had no power whatever; and that consequently, the Act of 1820, commonly known as the Missouri Compromise Act, is unconstitutional; and at the proper time I shall endeavor to satisfy the Senate and the country of the truth of these propositions."

"Mr. Douglas: As this discussion has begun, I feel it to be my duty to say a word in explanation. I am glad to hear the Senator from Kentucky say that the bill, as it now stands, accomplishes all that he desired to accomplish by his amendment, because his amendment seemed to myself, and to some with whom I have consulted, to mean more than what he now explains it

[1] It appears that Mr. Dixon also labored under the mistaken impression that Mr. Clay had "advocated" the Act of 1820—in common with the public generally—which he really never did do at all, as the writer has shown.

to mean, and what I am glad he did not intend to mean.

"We supposed that it not only wiped out the legislation which Congress had heretofore adopted excluding slavery, but that it affirmatively legislated slavery into the Territory. The object of the committee was neither to legislate slavery into nor out of the Territories; neither to introduce nor exclude it; but to remove whatever obstacles Congress had put there, and apply the doctrine of congressional non-intervention, in accordance with the principles of the Compromise measures of 1850, and allow the people to do as they pleased upon this, as well as all other matters affecting their interests.

"The explanation of the honorable Senator from Kentucky shows that his meaning was not what many supposed it to be, who judged simply from the phraseology of the amendment; I deem this explanation due to the Senator and to myself."

"Mr. Dixon: I am obliged to the Senator from Illinois for placing me right on that point. Surely the phraseology of the amendment which was proposed by me would not authorize any such construction as that which seems to have been given it—that it would legislate slavery within the limits of the Territory now proposed to be organized. Now, sir, the language of that amendment is, that the law itself shall not be so construed as to prevent persons from taking their slaves into that Territory, but that they shall have the same right to do so as if the law had never been passed. It does not secure to them any right at all by legislative enactment here, but merely removes an obstacle which legislative enactment here had thrown in the way of the slave-holder in taking his property within the proposed limits. If it were construed otherwise, it never could have been my intention to act on the principle which is suggested; for I will here take leave to remark, that I have always believed and maintained, as a sound propo-

sition, and expect to maintain, in the discussion of this case, that the power of Congress never did exist at all over the subject of slavery, either within or without the limits of the Territories."

"The motion of Mr. Douglas was agreed to."

On the 22d day of January, some of the "Free Soilers," styling themselves "Independent Democrats," prepared an "Address to the people of the United States," in which they denounced Judge Douglas and the Repeal of the Missouri Compromise in most unmeasured terms—declaring of his bill that—"It is a bold scheme against American liberty, worthy of an accomplished architect of ruin. . . .

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.

"Take your maps, fellow-citizens, we entreat you, and see what country it is which this bill, gratuitously and recklessly, proposes to open to slavery. . . .

"Nothing is more certain in history than the fact that Missouri could not have been admitted as a slave State had not certain members from the free States been reconciled to the measure by the incorporation of this prohibition into the act of admission. Nothing is more certain than that this prohibition has been regarded and accepted by the whole country as a solemn compact against the extension of slavery into any part of the territory acquired from France, lying north of 36° 30′, and not included in the new State of Missouri. The same act—let it be ever remembered—which authorized the formation of a Constitution for the State, without a

[2] Cong. Globe, Vol. 28, pp. 239, 240.

clause forbidding slavery, consecrated, beyond question, and beyond honest recall, the whole remainder of the territory to freedom and free institutions forever. For more than thirty years—during more than half the period of our national existence under our present Constitution—this compact has been universally regarded and acted upon as inviolable American law. In conformity with it, Iowa was admitted as a free State, and Minnesota has been organized as a free Territory.

"It is a strange and ominous fact, well calculated to awaken the worst apprehensions, and the most fearful forebodings of future calamities, that it is now deliberately purposed to repeal this prohibition, by implication or directly—the latter certainly the manlier way—and thus to subvert this compact, and allow slavery in all the yet unorganized territory. . . .

"In 1820, the slave States said to the free States: 'Admit Missouri with slavery and refrain from positive exclusion south of 36° 30′, and we will join you in perpetual prohibition north of that line.' The free States consented. In 1854, the slave States say to the free States: 'Missouri is admitted; no prohibition of slavery south of 36° 30′ has been attempted; we have received the full consideration of our agreement; no more is to be gained by adherence to it on our part; we therefore propose to cancel the compact.' If this be not Punic faith, what is it? Not without the deepest dishonor and crime can the free States acquiesce in this demand.

"We confess our total inability properly to delineate the character or describe the consequences of this measure. Language fails to express the sentiments of indignation and abhorrence which it inspires; and no vision less penetrating and comprehensive than that of the All-seeing can reach its evil issues. . . .

"We appeal to the people. We warn you that the dearest interests of freedom and the Union are in immi-

nent peril. Demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery. We tell you that the safety of the Union can only be assured by the full recognition of the just claims of freedom and man. The Union was formed to establish justice and secure the blessings of liberty. When it fails to accomplish these ends, it will be worthless; and when it becomes worthless, it can not long endure.

"We entreat you to be mindful of that fundamental maxim of Democracy—EQUAL RIGHTS AND EXACT JUSTICE FOR ALL MEN! Do not submit to become agents in extending legalized oppression and systematized injustice over a vast Territory, yet exempt from these terrible evils.

"We implore Christians and Christian ministers to interpose. Their divine religion requires them to behold in every man a brother, and to labor for the advancement and regeneration of the human race.

"Whatever apologies may be offered for the toleration of slavery in the States, none can be urged for its extension into Territories where it does not exist, and where that extension involves the repeal of ancient law and the violation of solemn compact. Let all protest, earnestly and emphatically, by correspondence, through the press, by memorials, by resolutions of public meetings and legislative bodies, and in whatever other mode may seem expedient, against this enormous crime.

"For ourselves, we shall resist it by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents, erect anew the standard of freedom, and call on the people to come to the rescue of the country from the domination of slavery. We will not despair, for the cause of human freedom is the cause of God."

The address, from which the above extracts are taken, was signed by

S. P. CHASE, Senator from Ohio.
CHARLES SUMNER, Senator from Mass.
J. R. GIDDINGS, } Representatives from Ohio.
BENJ. F. WADE, }
GERRITT SMITH, Representative from N. York.
ALEX. DE WITT, Representative from Mass.

In a note which was appended, it was declared that "This amendment is a manifest falsification of the truth of history, as is shown in the body of the foregoing address. Not a man in Congress, or out of Congress, in 1850, pretended that the compromise measures would repeal the Missouri prohibition. Mr. Douglas himself never advanced such a pretense until this session. His own Nebraska bill of last session rejected it. It is a sheer afterthought. To declare the prohibition inoperative, may, indeed, have effect in law as a repeal, but it is a most discreditable way of reaching the object. Will the people permit their dearest interests to be thus made the mere hazards of a presidential game, and destroyed by false facts and false inferences?"[1]

It is easy to understand how an address so plausible, so solemn in its terms, so alarming in its predictions, would have a powerful effect upon the Northern people generally, especially as there were but few of them who really knew any thing of the actual history of the Missouri Compromise; and they were therefore disposed to accept all these extravagant statements in good faith and without doubt. Whereas, really, in all Abolition literature, there never was compressed in so small a space more "falsification of the truth of history," more misrepresentation of facts, than in this address, which was withheld from publication until the 24th, the day after Judge Douglas had reported his bill incorporating the Repeal.

[1] Cong. Globe, Vol. 28, p. 282.

On the next Monday, the 30th, when the bill, according to agreement on the 24th, was taken up for consideration, Douglas said:

"Mr. Douglas: Mr. President, when I proposed, on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points: first, as to those provisions relating to the Indians; and, second, to those which might be supposed to bear upon the question of slavery.

"The Committee, in drafting this bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and prevent infringements upon them. By the provisions of the bill, I think we have so clearly succeeded in that respect as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights of the lands of the Indians; nor shall they be included within the limits of those Territories, until they shall, by treaty with the United States, expressly consent to come under the operations of the act, and be incorporated within the limits of those Territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians as to their persons and their property.

"Upon the other point—that pertaining to the question of slavery in the Territories—it was the intention of the Committee to be equally explicit. We took the principles established by the Compromise Acts of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established, and rest upon, the great principle of self-government—that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United

States, instead of having them determined by an arbitrary or geographical line.

"The original bill reported by the Committee, as a substitute for the bill introduced by the Senator from Iowa (Mr. Dodge), was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific which seemed, in the minds of some, to admit of doubt and misconstruction. In some parts of the country the original substitute was deemed and construed to be an annulment or a repeal of what has been known as the Missouri Compromise, while in other parts it was otherwise construed. As the object of the Committee was to conform to the principles established by the Compromise measures of 1850, and to carry those principles into effect in the Territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz: That the Missouri Compromise, having been superseded by the legislation of 1850, has become inoperative, and hence we propose to leave the question to the people of the States and the Territories, subject only to the limitations and provisions of the Constitution.

"Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but since that time occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the Senator from Ohio (Mr. Chase) then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the Senator from Massachusetts (Mr. Sumner) suggested that the postponement should be for one week, for that purpose. These suggestions seeming to be reasonable to Senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

"Sir, little did I suppose, at the time that I granted

that act of courtesy to those two Senators, that they had drafted and published to the world a document, over their own signatures, in which they arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two Senators had been guilty of such conduct when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported from the Committee. I have since discovered that on that very morning the National Era, the Abolition organ in this city, contained an address, signed by certain Abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the members of the Committee is grossly falsified, in which our motives are arraigned, and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the Committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those Senators in such terms as their conduct deserved, so far as the rules of the Senate and a respect for my own character would have permitted me to do. In order to show the character of this document—of which I shall have much to say in the course of my argument—I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of depotism, inhabited by masters and slaves."

"A Senator. By whom is the address signed?

"Mr. Douglas: It is signed 'S. P. Chase, Senator from

Ohio; Charles Sumner, Senator from Massachusetts; J. R. Giddings and Benj. F. Wade, Representatives from Ohio; Gerritt Smith, Representative from New York; Alexander De Witt, Representative from Massachusetts,' including, as I understand, all the Representatives of the Abolition party in Congress.

"Then speaking of the Committee on Territories, these confederates use this language:

"The *pretenses*, therefore, that the territory covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromises of 1850 require the incorporation of the pro-slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere *inventions*, *designed to cover up from public reprehension meditated bad faith.*

"Mere inventions to cover up bad faith." Again:

"Servile demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery.

"Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. The address goes on to make an appeal to the Legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile conduct which is about to be consummated by the Senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears that, on the holy Sabbath, while other Senators were engaged in attending divine worship, these Abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

"But this is not all. It was understood from the

newspapers that resolutions were pending before the Legislature of Ohio, proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question, by which they might facilitate the passage of the resolutions through that Legislature. Hence, you find that on the same morning that this document appears over the names of those confederates in the Abolition organ of this city, the same document appears in the New York papers—certainly in the Tribune, Times, and Evening Post—in which it is stated, by authority, that it is 'signed by the Senators and a majority of the Representatives from the State of Ohio;' a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary in order to carry out this work of deception, and to hasten the action of the Ohio Legislature, under a misapprehension, to state that it was signed, not only by the Abolition confederates, but by the whole Whig representation and a portion of the Democratic representation in the other House from the State of Ohio."

"Mr. Chase: Mr. President.

"Mr. Douglas: Mr. President, I do not yield the floor. A Senator who has violated all the rules of courtesy and propriety—who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, even after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed; such a Senator has no right to my courtesy upon this floor.

"Mr. Chase: Mr. President, the Senator mistates the facts.

"Mr. Douglas: Mr. President, I decline to yield the floor.

"Mr. Chase: And I shall make my denial pertinent when the time comes.

"The President: Order.

"Mr. Douglas: Sir, if the Senator does interpose, in violation of the rules of the Senate, to a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements here which are over his own signature, as a base falsehood, and prove it by the solemn legislation of this country.

"Mr. Chase: I call the Senator to order.

"The President: The Senator from Illinois is certainly out of order.

"Mr. Douglas: Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

"Mr. Chase: You can not do it.

"Mr. Douglas: . . . I repeat, that in order to rebut the presumption, as before stated, that the Missouri Compromise was abandoned and superseded by the principles of the compromise of 1850, these confederates cite the following amendment, offered to the bill to establish the boundary of Texas and create the Territory of New Mexico in 1850:

" '*Provided*, That nothing herein contained shall be construed to impair or qualify any thing contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise.'

"After quoting this proviso, they make the following statement, and attempt to gain credit for its truth by suppressing material facts which appear upon the face of the same statute, and, if produced, would conclusively disprove the statement:

" 'It is solemnly declared in the very compromise acts "That *nothing herein contained shall be construed to impair*

or qualify'' the prohibition of slavery north of 36° 30';' and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go!''

''I will now proceed to show that presumption could not go further than is exhibited in this declaration.

''They suppress the following material facts, which, if produced, would have disproved their statement: They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36° 30′. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and added it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri Compromise line did apply, was incorporated into the Territory of New Mexico. And then what was done? It was incorporated into that Territory with this clause:

'' 'That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their Constitution may prescribe at the time of its adoption.'

''Yes, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri Compromise, together with some on the south side of the line, incorporates it into the Territory of New Mexico, and then says that that Territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper.

''What else does it do? The sixth section of the same act provides that the legislative power and authority of this said Territory of New Mexico shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the act, not excepting slavery. Thus the New Mexican bill, from which they make that quotation, contained the

provision that New Mexico, including that part of Texas which was cut off, should come into the Union with or without slavery, as it saw proper; and in the meantime that the territorial Legislature should have all the authority over the subject of slavery that they had over any other subject, restricted only by the limitations of the Constitution of the United States and the provisions of the act. Now, I ask those Senators, do not those provisions repeal the Missouri Compromise so far as it applied to that country cut off from Texas? Do they not annul it? Do they not supersede it? If they do, then the address, which has been put forth to the world by these confederates, is an atrocious falsehood. If they do not, then what do they mean when they charge me with having, in the substitute first reported from the Committee repealed it, with having annulled it, with having violated it, when I only copied those precise words? I copied the precise words into my bill as reported from the Committee which were contained in the New Mexico bill. They say my bill annuls the Missouri Compromise. If it does, it had already been done by the Act of 1850, for these words were copied from the Act of 1850.

"Mr. Wade: Why did you do it over again?

"Mr. Douglas: I will come to that point presently, and explain why we did it over again. I am now dealing with the truth and veracity of a combination of men who have assembled in secret caucus upon the Sabbath day, to arraign my conduct and belie my character. I say, therefore, that their manifesto is a slander either way; for it says that the Missouri Compromise was not superseded by the measures of 1850, and then it says that the same words in my bill do repeal and annul it. They must be judged guilty of one falsehood in order to sustain the other assertion.

"Now, sir, I propose to go a little further, and show what was the real meaning of the amendment of the Senator from Virginia, out of which these gentlemen have manufactured so much capital in the newspaper

press, and have succeeded by that misrepresentation in procuring an expression of opinion from the State of Rhode Island in opposition to this bill. I will state what its meaning is. Did it mean that the States north of 36° 30′ should have a clause in their Constitutions prohibiting slavery? I have shown that it did not mean that, because the same act says that they might come in with slavery if they saw proper. I say it could not mean that for another reason. The same section containing that proviso cut off all that part of Texas north of 36° 30′, and hence there was nothing for it to operate upon. It did not, therefore, relate to the country cut off. What did it relate to? Why, it meant simply this: By the joint resolution of 1845 Texas was annexed, with the right to form four additional States out of her territory; and such States as were south of of 36° 30′, were to come in, with or without slavery, as they saw proper; and in such State or States as were north of that line, slavery should be prohibited. When we had cut off all north of 36° 30′, and thus circumscribed the boundary and diminished the Territory of Texas, the question arose, how many States will Texas be entitled to under this circumscribed boundary? Certainly not four, it will be argued. Why? Because the original resolution of annexation provided that one of the States, if not more, should be north of 36° 30′. It would leave it, then, doubtful whether Texas was entitled to two or three additional States under the circumscribed boundary.

"In order to put that matter to rest, in order to make a final settlement, in order to have it explicitly understood, what was the meaning of Congress, the Senator from Virginia offered the amendment that nothing therein contained should impair that provision, either as to the number of States or otherwise; that is, Texas should be entitled to the same number of States with her reduced boundaries as she would have been entitled to under her larger boundaries; and those States shall

come in with or without slavery, being all south of 36° 30′, and nothing to impair that right shall be inferred from the passage of the act. Such, sir, was the meaning of that proposition. Any other construction of it would stultify the very character and purpose of its mover, the Senator from Virginia. Such then, was not only the intent of the mover, but such is the legal effect of the law; and I say that no man, after reading the other sections of the bill, those to which I have referred, can doubt that such was both the intent and the legal effect of that law.

"Then I submit to the Senate if I have not convicted this manifesto, issued by the Abolition confederates, of being a gross falsification of the laws of the land, and by that falsification that an erroneous and injurious impression has been created upon the public mind? I am sorry to be compelled to indulge in language of this severity; but there is no other language that is adequate to express the indignation with which I see this attempt not only to mislead the public, but to malign my character by deliberate falsification of the public statutes and the public records.

"Sir, this misrepresentation and falsification does not stop here. In order to give greater plausibility to their statement, they go further, and state that, 'it is solemnly declared, in the very Compromise acts, "That *nothing herein contained shall be construed to impair or qualify*" the prohibition of slavery north of 36° 30′;' and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption go further?

"In the very teeth of the statute, saying that they should come in with or without slavery as they pleased, these men declare that it is stated that it should be forever prohibited. I repeat to them, 'Could presumption go further?' Not only presumption in making these statements, but the presumption that they could avoid the exposure of their conduct.

"In order to give greater plausibility to this falsification of the terms of the Compromise measures of 1850, the confederates also declare in their manifesto that they (the Territorial bills for the organization of Utah and New Mexico) 'applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits.'

"I submit to the Senate if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted? They say that the provisions of that bill were confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion, also, of the old Louisiana purchase, and added that to the new Territory of Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of territory acquired from Mexico, and also of territory acquired from Texas, and out of territory acquired from France; and yet, in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, as was necessary while uttering a falsehood, they repeat it twice, fearing that it would not be believed the first time. What is more, the Territory of Utah was not confined to the country acquired from Mexico. That territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country acquired from France in 1803, and to which the eighth section of the Missouri Act applied in 1820. If

these confederates do not know to what country I allude, I only reply that they should have known before they uttered a falsehood, and imputed a crime to me.

"But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Forida, and fixed a boundary between the United States and Mexico, the boundary was made of the Arkansas River to its source, and then the line ran due north of the source of the Arkansas to the forty-second parallel, then along on the forty-second parallel to the Pacific Ocean. That line, due north from the head of the Arkansas, leaves the whole Middle Park, described in such glowing terms by Col. Fremont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that Middle Park is watered and drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air line, we ran along the ridge of the mountains and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the Territory of Utah.

"Why did we do it? Because we sought for a natural boundary; and it was more natural to take the mountains as a boundary than by an air line cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was, that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of Free-soilers and Abolitionists, when it was superseded by the Compromise measures of 1850, which rested upon a great universal principle, there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new territories, we formed natural boundaries irrespective of the source whence our title was derived. In writing these bills, I paid no attention to the fact

whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

"In fixing those boundaries, I paid no attention to the fact whether they included old territory or not—whether the country was covered by the Missouri Compromise or not. Why? Because the principle established in the bills superseded the Missouri Compromise. For that reason we disregarded the old boundaries, disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say, therefore, that a close examination of this act clearly establishes the fact that it was the intent as well as the legal effect of the Compromise measures of 1850 to supersede the Missouri Compromise and all geographical and territorial lines.

"Sir, in order to avoid any misconstruction, I will state more distinctly what my precise idea is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri Compromise provision, to that extent they absolutely annulled the Missouri Compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the Compromise of 1850. We all know that the object of the Compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object just to heal over an old sore, and leave it to break out again? Was it our object to adopt a mere miserable expedient to apply to that territory, and that alone, and leave ourselves entirely at sea without compass when new territory was acquired, or new territorial organizations were to be made? Was that the object for which the eminent and venerable Senator from Kentucky (Mr. Clay) came here and sacrificed his last energies upon the altar of his country?

Was that the object for which Webster, Clay, Cass, and all the parties of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient in agreeing to stand by past and dead legislation that the Baltimore platform pledged us to sustain the Compromise of 1850? Was it the understanding of the Whig party, when they adopted the Compromise measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning—if that was their object—they palmed off an atrocious fraud upon the American people. Was it the meaning of the Democratic party, when we pledged ourselves to stand by the Compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was then a fraud. When we pledged our President to stand by the compromise measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the Democratic party. Men went into that convention who had been opposed to the compromise measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them.[1] But inasmuch as those measures had been passed, and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you and with you in carrying out these principles in the future.

"Such I understand to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were

[1] Hon. Jefferson Davis was one of those men.

never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

"I hold, then, that as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri Compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles in the organization of all new territories to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction you reopen the issue every time you make a new territorial government. But, sir, if you treat the Compromise measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable every-where in all time to come, then you avoid the agitation forever, if you observe good faith to the provisions of these enactments, and the principles established by them.

"Mr. President, I repeat, that so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principles of the Compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words; the mere phraseology that our constituents wish to judge by. They wish to know the legal effect of our legislation.

"The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these territories nor out of them, but to leave

the people to do as they please under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, North or South, object to it? I will especially address the argument to my own section of the country, and ask why should any Northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone. . . . .

"Let me ask you where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the North-west Territory by the Ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited slavery there by law, but you did not exclude it in fact. Illinois was a part of the North-west Territory. With the exception of a few French and white settlements, it was a vast wilderness filled with hostile savages, when the Ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a territorial government, it established and protected slavery, and maintained it in spite of your ordinance, and in defiance of its express prohibition. It is a curious fact, that so long as Congress said the Territory of Illinois should not have slavery, she actually had it; and on the very day on which you withdrew your congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation. . . .

"They talk about the bill being a violation of the Compromise measures of 1850. Who can show me a man in either House of Congress who was in favor of the Compromise measures of 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of slavery accord-

ing to the provisions of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by Abolitionists alone. They have made an impression upon the public mind in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the Compromise measures of 1850 is an Abolition movement. I presume they had some hope of getting a few tender-footed Democrats into their plot: and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the Senators and a majority of the Representatives from the State of Ohio; but when we come to examine signatures, we find no one Whig there, no one Democrat there; none but pure, unmitigated, unadulterated Abolitionists.

"Much effect, I know, has been produced by this circular, coming as it does with the imposing title of a representation of a majority of the Ohio delegation. What was the reason for its effect? Because the manner in which it was sent forth implied that all the Whig members from that State had joined it; that part of the Democrats had signed it; and then that the two Abolitionists had signed it, and that made a majority of the delegation. By this means it frightened the Whig party and the Democracy in the State of Ohio, because they supposed their own Representatives and friends had gone into the negro movement, when the fact turns out to be that it was not signed by a single Whig or Democratic member from Ohio.

" Now, I ask the friends and the opponents of this measure to look at it as it is. Is not the question involved a simple one, whether the people of the territories shall be allowed to do as they please upon the question of slavery, subject only to the limitations of the Constitution? This is all the bill provides; and it does so in clear, explicit and unequivocal terms. I know there are some men, Whigs and Democrats, who, not willing to repudiate the Baltimore platform of their

own party, would be willing to vote for this principle, provided they could do so in such equivocal terms that they should deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri Compromise, about the territory acquired from France, about the Act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of slavery? Why should you not?

"When you propose to give them a territorial government, do you not acknowledge that they ought to be erected into a political organization; and when you give them a legislature, do you not acknowledge that they are capable of self-government? Having made this acknowledgment, why should you not allow them to exercise the rights of legislation? Oh, these Abolitionists say they are entirely willing to concede all this, with one exception. They say they are willing to trust the territorial legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon every thing pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the territories are capable of deciding for themselves concerning white men, but not in relation to negroes. The real gist of the matter is this: Does it require any higher degree of civilization, and intelligence, and learning, and sagacity, to legislate for negroes than for white men? If it does, we ought to adopt the abolition doctrine, and go with them against this bill. If it does not—if we are willing to trust the people with

the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country, we must vote for this bill as reported by the Committee on Territories. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this Abolition address.''[1]

To this most able and eloquent, as well as fiery and impassioned speech of Douglas, Mr. Chase responded in bitter terms—alluding ironically to ''the gigantic stature of the Senator''—(Douglas was a man of short stature, though powerfully built, Chase a tall and large man) and reaffirming that the Missouri Compromise was a sacred compact, etc., with all the other allegations contained in the address.

Whilst Mr. Sumner characterized the Repeal of the Compromise as ''a soulless, eyeless monster—horrid, unshapely, and most fitly pictured in the verse of the poet:

'Monstrum, horrendum, informe, ingens, cui lumen, ademptum,'

and this monster is now let loose upon the country.''[2]

This was but the beginning of the bitterest and most fiercely contested of all congressional struggles, hitherto made.

[1] Cong. Globe, Vol. 28, pp. 275–280. [2] Idem, p. 282.

CHAPTER XIX.

1854—Chase's amendment—He attacks President Pierce and Mr. Douglas in his speech—Extracts from speeches of Hon. Archibald Dixon, Gov. Jones (of Tennessee), Hon. Ben. Wade (of Ohio), and Hon. Wm. H. Seward (of New York).

The Repeal of the Missouri Compromise was now fairly launched on its stormy voyage. The Southern Whigs, with a few exceptions, were warmly in favor of it; as was the entire Democratic party, excepting its Free-soil wing, which could scarcely, however, be deemed a part of the Democracy. Nothing could exceed the virulence of denunciation, by the Free-soil Democrats and Abolition Whigs, of the President, of Douglas, and of the Repeal.

On February 3d, Mr. Chase offered an amendment to Judge Douglas' substitute, to strike out "from section 14 these words: 'was superseded by the principles of the legislation of 1850, commonly called the Compromise measures, and'—

"So that clause will read:

" 'That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820.' "[1]

It would then stand as a simple repeal, without any reason given for it.

In Mr. Chase's argument in support of his motion, he arraigned the President as having violated his pledge, given in his message, to preserve "the repose of the country;" he declared that it was untrue that the Com-

[1] Cong. Globe, Vol. 28, p. 329.

promise of 1850 has superseded the Act of 1820; he quoted from Mr. Atchison's remarks in 1853, that he "had no hope of the Repeal of the Missouri Compromise," as though to demonstrate that this lack of hope on Mr. Atchison's part converted the Repeal into a crime; and from Mr. Douglas' report, to show that when he wrote it, he had not thought it "wise and prudent" to enter into the discussion of "these controverted questions;" and *therefore* the Repeal was a crime. He states that:

"The Senator from Kentucky (Mr. Dixon), on the 16th of January, submitted an amendment which came square up to repeal, and to the claim.[1] That amendment, probably, produced some fluttering and some consultation. It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no cause which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any territorial legislature to prohibit the introduction of slavery."[2]

He says the doctrine of supersedure is a novelty—"a plant of but ten days' growth"—that such a proposition was never asserted until "it made its appearance in the Senator's bill." This statement differs so widely from the impression made by the talk between Messrs. Howe and Giddings in March, 1853, that one necessarily asks, "Could Mr. Chase have believed what he said?"

He goes on to state, speaking of Texas and New Mex-

[1] The "slave-holding claim."—AUTHOR.

[2] App. Cong. Globe, Vol. 29, p. 135.

ico, in regard to the prohibition of slavery north of 36° 30′: "There was a compact between two States"—and twists the articles of annexation in 1845 and the measures of 1850 all around in order to show that the Compromise of 1850 did not supersede the Act of 1820. It could scarcely have been ignorance that impelled so able a man as Mr. Chase to argue from the stand-point of absolute perversion of fact, as he certainly did on this question. Was it merely the *argumentum ad ignorantiam*, designed solely for home effect? For he could not have supposed that such a bald misstatement would be accepted by his brother Senators as that "There was a compact between two States"—when he must have known that they knew that New Mexico was not only not a State in 1850, but was organized as a Territory by the very bill of which he declares as to one of its provisions, "There was a compact between two States;" when, also, it was well and generally known that one of the main features of the Compromise of 1850 was the purchase by the United States from Texas of all her territory that lay north of 36° 30′; that nearly the whole of this purchase was then attached to New Mexico, and that under the bill for her organization as a Territory, she was to come into the Union "as a State, with or without slavery, as her people may decide." Where, then, was any compact between two States?

Do not such reckless misstatements as this, and those contained in the "Address," on the part of a man of Mr. Chase's ability, argue that he knew the position of the Abolitionists to be untenable in the face of fact?

We have seen how, in 1852, the Democracy, the Union, the Constitution, and non-intervention had triumphed over higher law, disunion, and Abolition. Strong as was the sentiment against slavery (and it was not only intense, but world-wide), yet the Northern people, as a majority, had seemed fully to appreciate that the South was, *de facto*, under the burden and incubus of the presence among them of a race that could be rendered en-

durable members of society, only, by being kept in a state of absolute control; and the Abolitionists had long been held in scorn and detestation by them. For these Abolitionists had from the first hooted at the idea of the colonization of the negroes in Liberia, and insisted on their being set free at once, without deportation, as without compensation to their owners. The Northern people had, however, realized the monstrous injustice and cruelty to the South of setting free this race among her citizens, and were in favor mostly of leaving the Southern people to manage their own affairs.

When the original proposition to repeal the Act of Intervention of 1820 was made by Senator Dixon, it was recognized as the bold, direct, and straightforward action of a bold, direct, and straightforward man.

When the deficiency in his bill was pointed out to Judge Douglas by Mr. Dixon, he saw the force of his reasoning, and did not hesitate a moment as to the course it was his duty to pursue. He acknowledged the justice of the claim of the Southern States to an equality in the Union, and he determined at once to do what he was convinced was right and just. From this determination he never swerved, but held to it through revilement of enemies and desertion of those who should have remained his friends. His Free-soil, Abolition opponents saw plainly that they could not rout him by any fair argument, for all law, all fact, all justice, all Constitutional right, were on his side; and this was the reason why they resorted to perversion of fact, and to all manner of inventions of "bold schemes against American liberty"—"atrocious plots"—etc., declaring that there was some hidden and dangerous meaning underneath this plain above-board motion to repeal a most unjust and arbitrary act of Congress.

When Mr. Dixon turned his proposition over to Judge Douglas, it was with the purpose of insuring its success; and, when Douglas took it up and presented it substantially in his bill, it became, to all intents and purposes,

his measure, and the measure of the Democratic party. Mr. Dixon no longer laid claim to it, because, as a Whig, the Democrats naturally would not be willing to follow his lead; the rivalry between the two parties still existing and influencing the politics of the country, although the Whigs had become so disorganized as a national party.

It seems to be evident that Mr. Chase understood that Judge Douglas had been influenced by Mr. Dixon to alter his bill, but he seems not to have been willing to credit Douglas with any honest motive in the matter, but at once accused him of making a bid for the Presidency. As it is a trait of mankind to measure other people's motives by their own, it is just possible to suppose that Mr. Chase himself may have had the same office in view when he put forth that "Address" which contained so many fictions of the imagination. Politicians, who are themselves used to scheming, are slow to credit others with any other or higher views. Whilst he might regard Mr. Dixon's action as natural to a Southern man, he seems to have been unable to comprehend that Judge Douglas, a Northern man, could act purely from his sense of justice and of right—that he could rise above all sectionalism, all personal ambition and party intrigues; that he could be just to the South simply from a high and lofty sense of duty. So far from the Constition and its pledges had Abolition grown, that justice to the South, under these pledges, was declared by its votaries to be a violation of every law, human and divine.

In the absence of facts on which to base their arguments, and of Constitutional right and justice to sustain them, the Abolition leaders resorted to inventions of plots and intrigues; appealed in the most solemn manner to the passions and feelings of the people; misrepresented facts with equal solemnity; and by thus skillfully addressing themselves to the pride, the humanity, the ignorance, the love of country, the avarice, and the religious sentiment common to mankind; above all, to the

abhorrence of slavery and hatred of the slave-holder, they succeeded to a fearful extent in arousing these passions and in preparing the way for the war between the States seven years later—that war which should never have been, and which might never have been, but for the action of these same Abolition leaders. For, had they, instead of exciting hatred and prejudice against the people of the South as they did, impressed upon the minds of the masses of the Northern people their mutual obligations and mutual privileges as citizens of a common country; had the people of the North correctly understood and properly appreciated those obligations, there would have been no war. But, on the contrary, they were inflamed and blinded, deceived and misled, and the hecatombs of slain may lay their blood upon the heads of those men who did so mislead them—misled those who trusted them, believed them, and followed them in utter confidence as to their motives, their purposes, and their knowledge of what was right—followed them in a storm of passion, a whirlwind of sentiment that drew into its vortex many of the coolest, shrewdest, clearest headed, and most honest hearted of all the Northern people. It became a storm irresistible in its might—a whirlwind that those who evoked it could not control or still, however they might tremble at its fearful and far-reaching consequences.

The writer has thus far endeavored to place the repeal of the Act of 1820 in its true light, has given the real motives of its author, and the reasons and manner of its adoption by Judge Douglas. The actors in this drama should now tell their own story—each man for himself—the reader being judge, jury, and audience. No composite picture was ever yet a success; and when the historian attempts to give the true expression of the feelings, the motives, and the forces that actuated all the various living opposing characters of the past in his own language entirely, it is apt to be as great a failure as a composite picture, which conveys no real expression

or character at all, but, in blending the whole, loses the individual likeness of each and all of its subjects. To one who really wishes to comprehend the course of events, and to trace the causes that finally led up to the war between the States. nothing could be so satisfactory as to hear from the speakers themselves their motives and views, and out of their own words to weave together that wondrous fabric which we call history, whose colors, thus presented, will retain their vividness through the centuries, and whose figures will stand out striking and distinct as individual photographs. But as my hoped-for publishers object to the length of such a method, only some extracts are given from the speeches made on this subject.

On February 4th, Mr. Dixon spoke in support of Judge Douglas' bill. There had been an immense throng to hear Mr. Chase the day before, and so intense was the interest in the subject, there was even a greater crowd to hear Mr. Dixon. His physical condition, however, was such as to prevent his speaking with his accustomed force and power, and he was compelled to leave untouched some very important points:

"Extracts from the Speech of Hon. A. Dixon, of Kentucky,

In the Senate, February 4, 1854.

"The Senate, having under consideration the bill to organize the Territories of Nebraska and Kansas—

"Mr. Dixon said:

"*Mr. President*—But for the peculiar position I occupy in relation to that section of the bill which refers to the act of Congress passed in the year 1820, commonly known by the name of the Missouri Compromise act, I should be content to give a silent vote upon the proposition, rather than trouble the Senate with any remarks which I may have to make upon the merits of the bill.

"The Committee on Territories, to whom the bill

originally introduced by the Senator from Iowa, Mr. Dodge, was referred, reported a substitute for it. That substitute proposed to repeal, to a limited extent, the act prohibiting slavery north of 36° 30′ north latitude, in the territory now proposed by this bill to be organized into a territorial government. The substitute declared that it should be within the power of the States hereafter to be organized out of the territories, to declare, through their appropriate representatives, whether they would or would not have slavery. It also extended to the people of the territories the right, through their representatives, to determine the same subject. It will at once be perceived that although this did not repeal the entire provisions of the Missouri Compromise act, it did repeal that act to the extent of giving to the State the right to have slavery or not as she might think proper, and of giving to the people of the territories living within the limits prescribed by the bill the power to determine that question also for themselves.

"I did not like the bill as it was then presented, because I thought it would be wholly inoperative, so far as respected the placing of the people of the different States of this Union upon an equal footing, in relation to their right to carry into the proposed territory and State the property which they might possess, whether that property consisted in slaves or any thing else. I saw that the effect of that bill, as thus presented, would necessarily exclude every slave-holder until a particular time, and that time was the meeting of the representatives of the territory to declare that slavery should or should not exist within its limits. The bill, therefore, gave the right to determine this question, exclusively, as I understood, to the people who did not possess slaves. It gave the right to people who live within States where no slavery existed. It gave it to foreigners who might emigrate to the territory, and exercise the right and privilege of voting upon a question like this. It excluded the slave-holder from the territory; and, as a necessary

consequence, that decision could only be made by those who had no interest at all in the subject of slavery but to exclude it.

"Taking that view of the question, then, Mr. President, I gave notice to the Senate that I would, at the proper time, offer an amendment; which was read to the Senate, and which proposed to repeal, in direct language, the act laying the restriction upon the people of the slave-holding States in the carrying of their property within the territory. That amendment, which I proposed to offer to the bill, was subsequently, at least in substance, accepted by the Committee on Territories, and incorporated into the bill itself. The amendment, as incorporated into the bill, as far as it repeals the Missouri Compromise, meets my approbation. Sir, I give it a hearty support. It meets my approbation because it repeals that act, and because it places the people of all the States within this Union upon an equal footing, so far as respects the right to settle the territory in question, and to carry their property along with them, and when there to be protected, as well in their property as in their persons.

"The Senator from Ohio (Mr. Chase) seems, however, to think that that amendment of the bill, which was reported by the able Senator from Illinois, as the Chairman of the Committee on Territories, was incorporated into it for some sinister purpose; that it was not placed there with a view that the question might be taken fairly by the Senate upon the merits of the bill; but that it was intended rather to deceive the Senate, as it was intended also to impose upon the public. Well, sir, I did honestly think that the construction which was given to the conduct and motives of the Committee on Territories was not warranted at all by the usual parliamentary course which is pursued in matters of this kind. It is in the province of a committee to amend its bill. It is in the province of a committee to perfect its bill. It is the duty of a committee to do that which it set out

with the purpose of doing, and when it has failed in the original draft of a bill, so to change it and so to amend it as to accomplish the object which was intended.

"What do I understand to have been the purpose and intention of the Committee on Territories? . . . What could have been the motives which influenced them to act upon this question? It was a consciousness on their part that the act which had been passed, laying its restriction on the people living within the limits of the slave-holding States, was an unjust act; that it struck down the rights of the people of a particular section of the Union, and, therefore, that it ought to be repealed. The proposition to repeal this act comes not from the slave-holding States, but from the States where there is no slavery. It comes from men who are acting upon great principles of public justice and magnanimity. It comes from those who look far and wide over this vast extent of territory of ours—from those, in fact, who look to the equality of the States and of the people. It comes from them with a view that all may stand upon an equal footing, so far as respects the great rights which were intended to be secured by the Federal Union. Yes, sir; it comes not from the slave-holders, but from those having no slaves. It is true that the slave-holding States have looked upon this restriction as a wrong to them, yet they have waited patiently that the move might be made by those, in fact, whose motives and conduct could not be misinterpreted; that it should be made by those who have no slaves, that it might carry with it the sanction of that high authority which those who are interested never give to a measure which they propose.

"That, sir, was the feeling which influenced the committee to act upon this great question. The committee were under the impression that, according to the provision of the acts of 1850, the principle settled by those acts, which are called the great compromise measures, was intended to be a finality in regard to this question of slavery. They were of that opinion, and I am of that

opinion; and I think the whole country is of that opinion; notwithstanding the Senator from Ohio, who seems to think that the country is agitated from one end of it to the other with the alarm of a violation of the public faith. I say that the whole country, in my opinion, believe that the Missouri Compromise act was a palpable wrong, originally done to the people of the slave-holding States, and that it ought to be repealed, and that it is inconsistent with the principles laid down in the acts of 1850.

"I understand, then, that the committee, in the measure proposed by them to the Senate, act upon this principle—that the provisions of the act of 1850 are inconsistent with the further existence of the act of 1820.

"Sir, it can not be doubted that the provisions of the act extend, as well to the people of the States formed out of the territories, as to those living within the territories before such States are formed. And that so far as regards the restriction it imposes upon the people of a sovereign State, it is unconstitutional and void; and that such restrictions will never be observed, and can never be enforced. You can not admit a State, formed out of this territory, to come into the Union without repealing this law. For the very moment she is admitted the Federal Constitution throws its strong arms around her, and clothes her with all the attributes of sovereignty enjoyed by the most favored States and the people, with all the rights and privileges belonging to such sovereignty. Then, sir, if, after a State formed out of such territory comes into the Union, the law would be unconstitutional, would it not be equally so before her admission? To say that it would not be, involves the monstrous absurdity of a law being constitutional to-day and unconstitutional to-morrow. . . .

"Sir, the act of 1820 declares that slavery north of 36° 30′ north latitude shall be forever prohibited. That act extends, as well to the people who live within the territory embraced within the law as to the people within

the States, when States shall hereafter be organized out of such territory. It extends to both. It lays the prohibition upon the people of the territory, and it lays it upon the people of the State, after States are organized; for its language is, that slavery shall be within the limits of such territory forever prohibited. That act, in my humble opinion, is void, for the reason which I have heretofore given. It is a restraint upon the people of a State, after they shall have been formed into a State out of a territory, to determine for themselves whether they will or will not have slavery. It does not stop in the territory, but restrains them when they have become organized into a State. If States are to come into this Union upon equal rights, and upon a footing of equality, nothing can be clearer to my mind than that the prohibition extended to the people within the limits of the State is unconstitutional, and that it ought to be repealed.

"Sir, there is another reason why, in my humble opinion, this law is unconstitutional. If you will look to the clause of the Constitution which declares the power of Congress over territories belonging to the United States, you will see that that power is a limited power. It does not extend to the property of the people. It only extends to the property of the Government, and no further. I read from the third section of article four of the Constitution:

"'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.'

"That is but a limited power. What is it? It is to make all needful rules and regulations respecting the territory and other property belonging to the United States; not to make needful rules and regulations respecting the property of the citizens of the

United States living within the limits of the territory. Such a power is not given to Congress; and if it be exercised at all, it is exercised by construction, and not because there is any express grant of it. I think there can be nothing clearer than this. You can not give to Congress the right to deprive a citizen of his slaves within the limits of the territory, unless you can give to Congress the right and power to deprive me of my horses, or cattle, or any other property which I might think proper to carry there. The Senator from Ohio, it is true, declared yesterday on this floor, that there was no property in slaves. He declared that the Constitution of the United States does not recognize property as existing in slaves. Sir, the Senator is laboring under a great error in that particular. Surely he has not examined the decisions of the Supreme Court of the United States on this question of whether property may or may not exist in slaves. It was, in the first place, recognized in the Constitution, though not declared to exist, and in the decisions which have been pronounced by the Supreme Court of the United States, when this question of property came up, they declared that it is property, and that the right of the owner to the slave is as ample and complete as it is to his lands, or horses, or any thing else which he may possess. Then it is property—property recognized by the Constitution and by the Supreme Court of this great Republic—property which is held every-where by people living within the limits of the slave States—property which has existed from the commencement of this Government to the present period of its existence.

"If it then be property, where is the power to lay restraint upon it? . . . The principle of this Government, which reserves to the States all the rights not expressly granted to the Federal Government, surrounds and shields the citizens of the country in the right to hold property, and to have it protected by the State

government in which they live. That is the true and only great principle.

"What says the great statesman, who has been referred to by the honorable Senator from Ohio, in relation to the common right of all the people to the territories thus purchased from Spain and from France? I will read to you what was said by the great Senator from Kentucky; for he was great—and he was great, not in a limited sense of the word; not in a sectional sense; but he was great as was the Republic of which he was the glorious representative. His mind extended, not only to a State, not only to a section; it passed over this broad, extended Union of ours, taking in and protecting every interest, except when by the force of circumstances, as in the passage of the Missouri Compromise act, he was compelled to surrender, upon the altar of faction, the great rights which had been secured to the people of all the States, of settling in the territories, whether they came from one section or another. What does he say in relation to the public land which was purchased from France, a portion of which is proposed to be organized into a territory by the bill under the consideration of the Senate? The price paid for it, I believe, was fifteen million dollars. What does Mr. Clay say upon this question?

" 'The large pecuniary considerations thus paid to a foreign power were drawn from the treasury of the people of the United States, and consequently the countries for which they formed an equivalent, ought to be held and deemed for the common benefit of all the people of the United States. To divert the lands from that general object, will be to misapply, or sacrifice, or surrender, or cast them away, and would be alike subversive of the interests of the United States, and contrary to the plain dictates of duty by which the General Government stands bound to the State and the whole people.'

"There is the position assumed by Mr. Clay in that

celebrated report of his upon the question of appropriating the proceeds of the public lands to the different States. What does he declare? That all these lands which were purchased from France, all this land upon which the prohibitory restriction exists, was acquired by the blood and common treasure of the people of the United States, and that it was held in trust by the Government of the United States for the benefit of all the people; not for the people within the limits of the free States alone, but for the people living within the limits of the slave States also. Can any thing be clearer? The money which was paid for these lands was the money of the people of the United States. And, sir, being the money of the people of the United States, the land became the common property of all of them, and ought not, therefore, to be confined in their settlement to a particular section of the people, or, in the language of the Senator from Ohio, to foreigners or emigrants of Europe, for that would be a violation of that solemn compact thus created by the act of the Government in appropriating the money of the people to the purchase of the lands. Such a principle should be repudiated by those who look to the great principles of the Constitution. . . . We ask but an act of justice. We ask to be placed upon the broad platform upon which we have a right to stand, as declared not only in the Constitution, but in the deeds of cession, and in the great principles laid down by Mr. Clay himself, in relation to the settlement of these territories. That is what we ask. And now, when the people of the North seem disposed almost unanimously to remove this restriction, are we to refuse to accede to its removal?

"What do we ask to be done? Do we ask any thing to the prejudice of the people of the North? Do we ask that we may encroach on any right of theirs? Do we seek to deprive them of any rights that they may have under the Constitution of this great Confederacy? No, sir; all that we ask is that we may exercise our own rights,

and settle in the territories—not that we will exclude them, but that they shall not exclude us—that we may both go unrestrained, without any unconstitutional restriction whatever—that they may go on and carry with them their property; and that both may be protected, in persons and property, under the broad mantle of the Constitution of the United States. That is all we ask; and yet the Senator from Ohio, because the Northern people seem disposed to grant us this, says that there is to be a great excitement in the country, which is to shake the Union to the foundation. Sir, I believe in no such excitement. I have too much confidence in the moral justice of the people of the North, and the people every-where within the broad limits of this great Republic, to believe that, when they are doing a mere act of justice, they are going in their strength to break up the Union of the States.

". . . Do the people of the North suppose that we, when this proposition is made, will fold our arms and turn a deaf ear to the proposition? Surely, if we agreed with the North to make the compact, we may agree to annul it. If we agreed to the existence of the compact, we may agree that it shall no longer be binding. We agree to the proposition; we receive it in the spirit in which it is tendered—the spirit of justice, the spirit of magnanimity, the spirit which lies at the foundation of the acts of 1850—that of striking away all congressional restrictions in relation to the settlement of the territories by the people of the States. We receive it in that spirit, and we return our grateful acknowledgments for this noble act of justice. These are the feelings which prompt us. . . .

"Mr. President, I have not strength to continue this discussion of this subject. . . . Exhausted from disease, and sinking almost under its influence, I have nevertheless thought it due to myself, due to my constituents, due to the country of which I am a citizen, to contribute my feeble aid to remove this blot, as I consider it to be,

upon the statutes of the country, and which has placed a restriction there in violation of the moral pledge made by the Federal Government to the people of the States—that it would hold in trust all these lands for the common benefit. I say, I have risen to contribute my mite to the removal of that obstruction, and to open the door to all the people of the United States, whether living in one section of the Union or another, for the settlement of these territories, which are the common property of all."[1]

Bluff old Ben Wade, of Ohio, obtained the floor next, and, without question, he spoke from his sincere beliefs and convictions.

EXTRACTS.

"Here is a territory large as an empire; as large, I believe, as all the free States together. It is pure as nature; it is beautiful as the garden of God. . . .

"My colleague stated the other day that it was a matter of fact, which every body knew, that the peculiar interest which we had at the North to prevent slavery encroaching upon this great territory, is, that the moment you cover it over with persons occupying the relation of master and slave, the free man of the North can not go there. He announced that great truth in this body. Gentlemen know it to be a truth, and they do not gainsay it. Gentlemen know that the high-minded free man of the North, although not blessed with property, has, nevertheless, a soul, and that he can not stoop to labor side by side with your miserable serf. He never has done it—he never will do it. . . .

"Your finality resolutions that were debated here so long, all that you could say here or elsewhere, your determinations to resist all agitation of this subject, never stirred me to opposition: but when you come in here, by law attempting to legalize slavery in half a conti-

[1] App. Cong. Globe, Vol. 29, pp. 140–145.

nent, and to bring it into this Union in that way, and when, in doing so, you are guilty of the greatest perfidy you can commit, I must enter my indignant protest against it.

"But, Mr. President, this is also an exceedingly dangerous issue. I know the Senator from Kentucky said he did not think there would be very much of a storm after all. He was of the opinion that the Northern mind would immediately lie down under it, and that the North would do as they have frequently done, submit to it, and finally become indifferent in regard to it. But I tell the gentleman that I see indications entirely adverse to that. I see a cloud, a little bigger now than a man's hand, gathering in the North, and in the West, and all around, and soon the whole Northern heavens will be lighted up with a fire that you can not quench. The indications of it are rife now in the heavens, and any man who is not blind can see it. There are meetings of the people in all quarters; they express their alarm, their dismay, their horror at the proposition which has been made here. You can not make them believe that the thing is seriously contemplated here. How is it? You of the South, all of you, propose to go for repudiating this obligation. Do you not see that you are about to bring slavery and freedom face to face, to grapple for the victory, and that one or the other must die? I do not know that I ought to regret it, but I say to gentlemen you are antedating the time when that must come. It has always been my opinion that principles so entirely in opposition to each other, so utterly hostile and irreconcilable, could never exist long in the same Government. But, sir, with mutual forbearance and good will, with no attempt on either side to take advantage of the other, perhaps we might have lived in happiness and peace for many years; but when you come boldly forth to overthrow the time-honored guarantees of liberty, you show us that the principles of slavery are aggressive, incorrigibly aggressive; that

they can no more be at ease than can a guilty conscience. If you show us that—and you are fast pointing the road to such a state of things—how can it be otherwise than that we must meet each other as enemies, fighting for the victory; for the one or the other of these principles must prevail.

"I tell you, sir, if you precipitate such a conflict as that, it will not be liberty that will die in the nineteenth century. No, sir, that will not be the party that must finally knock under. This is a progressive age; and if you will make this fight, you must be ready for the consequences. I regret it. I am an advocate for the continuance of this Union; but, as I have already said, I do not believe this Union can survive ten years the act of perfidy that will repudiate the great Compromise of 1820."[1]

The misfortune was, that such a speech as this from such a man as Mr. Wade, in whom his constituents had most implicit confidence, would have the effect to bring about the very events he so deprecated. Mr. Wade was followed by Gov. Jones, of Tennessee, who, as a Whig, had fought shoulder to shoulder with "Old Ben" in other days, but whose path now became far separated from him in politics, though always respecting his honesty and the sincerity of his views.

"Mr. Jones: . . . The only question before us now is this: Is there a conflict between the Compromise measures of 1850 and the Compromise of 1820? I will not pretend that the Compromise measures of 1850 repealed the Compromise of 1820, because I do not think it is maintainable; but this is what I do assert and maintain, and what I think I can prove, that the spirit, the intention, and the principles of the Compromise measures of 1850 are inconsistent with the act of 1820. In what does that inconsistency exist? It consists in this: The act of 1820 prohibits, not only during its

[1] Cong. Globe, Vol. 28, pp. 337, 338, 339, 340.

territorial existence, but forever, the introduction of slavery into the territory north of 36° 30′. It is a perpetual, unending, undying prohibition. The whole spirit of the acts of 1850 declares that this is a question which the people themselves have a right to settle. The doctrine contained in the act of 1820 directly invades and positively infringes upon the rights and sovereignty of the States. . . .

"Mr. President, in conclusion, I say to the Senator from Ohio, and to all men, that I have had no motive connected with this measure other than an honest desire to vindicate what I believe to be the rights and the interests of the people whom I have the honor, in part, to represent on this floor. "'Tis strange, 'tis passing strange,' to my mind that the honorable Senator should expect me, or any man representing the South, to refuse to accept an act of justice which has been so long, long delayed. Sir, I can tell the honorable Senator that, if the storm which he seems to invoke does come—and it is one which I would deprecate—if one so unworthy as myself dare send up one petition to the Throne of Heaven, it would be to preserve us from the wildness of reckless fanaticism, whether of the North or of the South, and to preserve pure, spotless, and untarnished, to the latest generation, this glorious inheritance of public liberty which we now enjoy."[1]

Upon the conclusion of Gov. Jones' speech, the vote was taken on Mr. Chase's motion to strike out, and it was defeated by 30 to 13.[2]

There was such a difference of opinion, however, between the honorable Senators as to which was, as Sam Weller said, "the more properer word," "superseded by," or "inconsistent with," that Judge Douglas asked leave to prepare a substitute—which he offered February 7th.

"Mr. Douglas: I stated last evening, before we adjourned, that I would confer with the Senators friendly

[1] Cong. Globe, Vol. 28, pp. 341–343. [2] Idem, p. 343.

to this bill, and propose an amendment to obviate the objections which had been made in reference to the phraseology of that portion of the bill relating to the Compromise measures of 1850, and yet to carry out the idea and intention of the framers of the bill. I have drawn an amendment which I believe meets the general approbation of the friends of the measure. I therefore now move to amend the 14th section of the substitute reported, by striking out the words, 'which (the Missouri Compromise Act) was superseded by the principles of the legislation of 1850, commonly called the Compromise measures, and is hereby declared inoperative,' and inserting, 'which being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"I move that amendment, with the general concurrence of the friends of the measure. It will apply to both territories."[1]

The amendment was ordered to be printed, that Senators might have full opportunity to consider it. After numerous discussions and speeches, the question was taken on Mr. Douglas' amendment, and it passed by a vote of 35 to 10.

Resolutions from meetings in various of the Northern States against the passage of the Nebraska bill had been reported to the Senate and laid on the table.

February 17th, Mr. Seward stated that, "having received from his Excellency, the Governor of the State of New York, the resolutions of the Senate and Assem-

[1] Cong. Globe, Vol. 28, pp. 352, 353.

bly of that State, remonstrating against the passage of this bill, I ask leave to present them now, and ask that they may be read, and ordered to be printed.

"The resolutions were read, and ordered to be printed.

"Mr. Seward then addressed the Senate at length in opposition to the Nebraska and Kansas Territorial bill, and against any interference with the Missouri Compromise."

EXTRACTS.

"The slave-holding States already possess the mouths of the Mississippi, and their territory reaches far northward along its banks, on one side of the Ohio, and on the other, even to the confluence of the Missouri. They stretch their dominion now from the banks of the Delaware, quite around bay, headland, and promontory, to the Rio Grande. They will not stop, although they now think they may, on the summit of the Sierra Nevada; nay, their armed pioneers are already in the Sonora, and their eyes are already fixed, never to be taken off, on the island of Cuba, the Queen of the Antilles. If we of the non-slave-holding States surrender to them now the eastern slope of the Rocky Mountains, and the very sources of the Mississippi, what territory will be secure, what territory can be secure hereafter, for the creation and organization of free States, within our ocean-bound domain? What territories on this continent will remain unappropriated and unoccupied for us to annex? What territories, even if we are able to buy or conquer them from Great Britain or Russia, will the slave-holding States suffer, much less aid, us to annex to restore the equilibrium which, by this unnecessary measure, we shall have so unwisely, so hurriedly, so suicidally subverted?

"Nor am I to be told that only a few slaves will enter into this vast region. One slave-holder in a new territory, with access to the executive ear at Washington, exercises more political influence than five hundred freemen. It is not necessary that all or a majority of the

citizens of a State shall be slave-holders, to constitute a slave-holding State. Delaware has only two thousand slaves, against ninety-one thousand freemen; and yet Delaware is a slave-holding State. The proportion is not substantially different in Maryland and in Missouri; and yet they are slave-holding States. These, sir, are the stakes in this legislative game, in which I lament to see, that while the representatives of the slave-holding States are unanimously and earnestly playing to win, so many of the representatives of the non-slave-holding States are with even greater zeal and diligence playing to lose.

"Senators from the slave-holding States! You, too, suppose you are securing peace as well as victory in this transaction. I tell you now, as I told you in 1850, that it is an error, an unnecessary error, to suppose that because you exclude slavery from these halls to-day, that it will not revisit them to-morrow. You buried the Wilmot proviso here then, and celebrated its obsequies with pomp and revelry. And here it is again to-day, stalking through these halls, clad in complete steel as before. Even if those whom you denounce as factionists in the North would let it rest, you yourselves must evoke it from the grave. The reason is obvious. Say what you will, here, the interests of the non-slave-holding States and of the slave-holding States remain just the same; and they will remain just the same, until you cease to cherish and defend slavery, or we shall cease to honor and love freedom! You will not cease to cherish slavery. Do you see any signs that we are becoming indifferent to freedom? On the contrary, that old, traditional, hereditary sentiment of the North is more profound and more universal now than it ever was before. The slavery agitation you deprecate so much, is an eternal struggle between conservatism and progress, between truth and error, between right and wrong. You may sooner, by act of Congress, compel the sea to suppress its upheavings, and the round earth to extin-

guish its internal fires, than oblige the human mind to cease its inquirings, and the human heart to desist from its throbbings.

"'The institutions of our country are so framed, that the inevitable conflict of opinion on slavery, as on every other subject, can not be otherwise than peaceful in its course and beneficial in its termination.

"'Nor shall I 'bate one jot of heart or hope' in maintaining a just equilibrium of the non-slave-holding States, even if this ill-starred measure shall be adopted. The non-slave-holding States are teeming with an increase of freemen, educated, vigorous, enlightened, enterprising freemen; such freemen as neither England, nor Rome, nor even Athens ever reared. Half a million of freemen from Europe annually augment that increase; and ten years hence, half a million, twenty years hence, a million of freemen from Asia will augment it still more. You may obstruct, and so turn the direction of those peaceful armies away from Nebraska. So long as you shall leave them room on hill or prairie; by river side or in the mountain fastnesses, they will dispose of themselves peacefully and lawfully in the places you shall have left open to them; and there they will erect new States upon free soil, to be forever maintained and defended by free arms, and aggrandized by free labor. American slavery, I know, has a large and ever-flowing spring, but it can not pour forth its blackened tide in volumes like that I have described. If you are wise, these tides of freemen and slaves will never meet, for they will not voluntarily commingle; but if, nevertheless, through your own erroneous policy, their repulsive currents must be directed against each other, so that they needs must meet, then it is easy to see, in that case, which of them will overcome the resistance of the other, and which of them, thus overpowered, will roll back to drown the sources which sent it forth.

"'"Man proposes, and God disposes." You may legislate, and abrogate, and abnegate as you will; but there

is a superior Power that overrules all your actions, and all your refusals to act; and I fondly hope and trust overrules them to the advancement of the greatness and glory of our country—that overrules, I know, not only all your actions, and all your refusals to act, but all human events, to the distant, but inevitable result of the equal and universal liberty of all men.''[1]

This very extraordinary suggestion by Mr. Seward, of a ''million of freemen from Asia'' ''twenty years hence,'' augmenting the increase of freemen of the non-slave-holding States—''an increase of freemen, educated, vigorous, etc.,'' ''such as neither England, nor Rome, nor even Athens ever reared,'' would not seem to indicate the far-sightedness of the true statesman, nor yet the prophetic vision of the seer. Twice twenty years have passed, and the Northern freemen, while tolerating in a small degree the presence of the Asiatic brother, have yet not added him to their ''increase'' as a citizen, nor given him that highest privilege of all freemen, nor do they seem to regard his presence as an acquisition to be desired. Mr. Seward's judgment was about as much at fault in this instance as in his prediction that the freedom of the negro would prove to be his annihilation. Thirty years of the fifty he gave the race in which to disappear, have passed—and they have grown from four millions in 1865, to nine millions in 1895—and the land is still darkening with an ever-increasing multitude of free Afro-American citizens.

[1] Cong. Globe, Vol. 28, pp. 151–155.

CHAPTER XX.

1854—The Repeal under consideration—Mr. Badger (of North Carolina) makes a statement to the Senate—Dixon and Chase—Debate of March 2d and 3d—Mr. Badger's amendment—Douglas' great speech—Kansas-Nebraska bill finally passed, May 25th—Was signed by President Pierce, May 30th.

The discussion of the Kansas-Nebraska bill still continued with unabated heat and excitement on both sides of the question, and every phase of it was debated by the whole nation as well as by the Senate, and also the House.

On the 2d of March, Mr. Chase, in a speech, said:

"Mr. President, what was the principle of the territorial acts of 1850? The Committee on Territories informed us what it was, distinctly and unequivocally. In their report they left no doubt whatever on that subject. They told us that the principle was—what? *Non-intervention with existing laws.* That was the principle of the acts of 1850."[1]

Mr. Chase still pursued his plan of asserting what every man who heard him, including himself, knew absolutely was not the fact. Not a single advocate of the measures of 1850 ever claimed the principle of non-intervention to be "non-intervention with existing laws." Its principle, clearly defined and openly proclaimed, was non-intervention with the rights of the people of the territories to make their own laws, subject only to the Constitution of the United States. As applied to the territories acquired from Mexico, this principle was non-intervention with existing laws, simply because the principle recognized the right of every community to make its own laws, and the laws of these territories

[1] Cong. Globe, Vol. 29, p. 280.

were already made when they were surrendered to the United States in 1848.

When New Mexico was being organized, it will be remembered that Mr. Douglas, the great exponent of non-intervention, made special objection to the clause that her legislature should have no power either "to establish or prohibit American slavery;" on the ground that each territory should be free to make its own laws; and that this clause would be an interdict upon that right. The clause was voted down. Mr. Chase must have known all this.

Mr. Badger, in a speech opposing an amendment offered by Mr. Chase, stated:

"Mr. President, the honorable Senator from Ohio, together with other gentlemen who are upon this floor—the honorable Senator from New York (Mr. Seward) and the honorable Senator from Massachusetts (Mr. Sumner)—is in the habit, as we all know, of daily laying upon the table papers which are called petitions or remonstrances against this Nebraska bill. The Senate, without inquiry or question, is in the habit of admitting these papers upon the respect which they pay to the characters of the Senators who present them, and suffering them to be laid upon the table. They are never read. We know not what they contain. But, sir, I see this stated in a daily paper, which I received this morning, and which I suppose is accurate, because it sympathizes with the honorable Senator from Ohio in the view which he takes of this bill:

" 'Among the remonstrances presented to the Senate to-day by Mr. Chase against the Nebraska bill were the proceedings of a public meeting at Leesburg, Carroll county, Ohio, one of the resolutions of which was as follows:'

"Now I call the attention of Senators to the language of this resolution, presented here by a member of our body, and laid upon the table:

"'*Resolved*, That each member of Congress who votes for, or in any way gives countenance to, the passage of the bill for the organization of the Nebraska Territory, as reported by Senator Douglas, of Illinois, is a *traitor to his country, to freedom, and to God, worthy only of everlasting infamy.*'

"Now, sir. the Senate is in the habit of receiving these petitions and remonstrances upon a statement of their general purport by the honorable Senator who happens to present them, and they are laid upon our table without inquiry or objection. Yet, sir, the honorable Senator, by presenting that paper without explanation, without remark, knowing that it is not the practice of the Senate, or of any other legislative body, to receive papers which are insulting to the body, or insulting to the individual members of the body, has himself indorsed the language of the resolution which I have read. . . .

"Mr. Dixon: I desire to know of the Senator from Ohio if he approves or indorses the statements which are contained in the resolution which was read by the honorable Senator from North Carolina?

"Mr. Chase: I have not the slightest difficulty in answering that question. Sir, I do not. I am very far from thinking that a Senator, who, in the performance of what he conceives to be his public duty, intends to vote for this bill, is, therefore, a traitor to his country. Every Senator has a perfect right, and is in duty bound, to consider every question which arises here, independently, and as a Senator; and for the exercise of his deliberate judgment upon this subject, he is responsible to no one but his own conscience, to his constituents, and to his God. . . .

"And now, sir, let me reply directly to what the Senator from North Carolina has said. He says that it is enough that a proposition proceed from one of us or from me.

"Mr. Badger: I said from the Senator from Ohio.

"Mr. Chase: I am quite willing to accept the modi-

fication. It is enough, he says, that a proposition proceeds from the Senator from Ohio to justify the rejection of it by the friends of this bill.

"Mr. Badger: Exactly.

"Mr. Chase: Because, he says, it is intended evidently to embarrass the bill.

"Mr. Badger: I said because the Senator from Ohio is known to be opposed to the bill, and has announced, by his votes and expressions, that he is bound by no compact which may admit slavery south of 36° 30′. . .

"Mr. Chase: Have I ever disclaimed the obligation of any compact on this floor? If so, let the Senator from North Carolina show it. Have I ever said that the people of this country would refuse to carry out the Missouri compact? Never, sir.

"Mr. Dixon: Did not the Senator vote to repeal the fugitive slave law?

"Mr. Chase: I am dealing with the Senator from North Carolina.

"Mr. Dixon: I ask the Senator that question.

"Mr. Badger Certainly he did so vote.

"Mr. Chase: I do not yield the floor.

"Mr. Dixon: Will not the Senator answer the question?

"The Presiding Officer (Mr. Weller in the chair): Does the Senator from Ohio yield the floor?

"Mr. Chase: No, sir. I am dealing now with the Missouri compact, and I will come to the fugitive slave law after awhile, if it will gratify the Senator from Kentucky. . . .

"In respect to the fugitive slave act I have no more to say at present than this: I believe in the doctrine of State-rights; I believe that the Congress of the United States has no power whatever to legislate upon any subject unless that power is conferred upon them by the Constitution. I believe that the clause in reference to the extradition of fugitive servants is a clause of compact between the States as States, and that no power can be

derived from that clause to the General Government at all. I can not, of course, go into the argument of this question at present. . . .

"Mr. Dixon: I desire to put one or two questions to the Senator from Ohio, and I expect that Senator to answer my questions candidly and directly to the point. I desire to know whether that Senator understands that the act of 1820, commonly called the Missouri Compromise Act, was a compact which the North and the South were bound to maintain. Will the Senator answer that question?

"Mr. Chase: When the Senator closes his interrogatories I will reply.

"Mr. Dixon: I then desire to know of the Senator from Ohio whether he understands the acts of 1850, called the Compromise Acts, to be a compact between the North and the South? Will the Senator answer me that question?

"Mr. Chase: When you have closed your questions I will answer.

"Mr. Dixon: Then I desire to ask the Senator another question; whether, if they are compacts, every Northern man living in the North, and professing Northern principles, is, or is not, bound sacredly to maintain them?

"Mr. Douglas: If this course of general inquiry and reply is to be continued, I can not yield the floor. I yield with great pleasure for a categorical answer—not for an argument.

"Mr. Dixon: I wish the Senator from Ohio to answer me categorically—yea or nay.

"Mr. Chase: I shall take my own mode of reply.

"Mr. Dixon: The Senator says he will take his own course in reply. Will the Senator from Illinois allow me a few minutes longer?

"Mr. Douglas: Certainly.

"Mr. Dixon: Will the Senator from Ohio answer the questions?

"Mr. Chase: Certainly.

"Mr. Dixon: Then let the Senator answer them.

"Mr. Chase: Does the Senator yield the floor?

"Mr. Dixon: Yes, sir, with the understanding that I shall have five minutes to respond.

"Mr. Douglas: I will yield the floor with the understanding that we are to have an answer to the questions, not an argument upon them.

"Mr. Chase: I will not take the floor with any limitation of any kind.

"Mr. Douglas: I see that the object is to make an argument. I have a few words to say.

"Mr. Dixon: Then the Senator from Ohio will not answer my questions.

"Mr. Chase: The Senator from Illinois does not yield the floor, that I may answer.

"Mr. Dixon: But the Senator can say whether or not he believes they were compacts.

"Mr. Chase: I shall answer according to my own discretion.

"Mr. Dixon: Then, am I to consider that the Senator from Ohio answers the question? What, can he not speak? It must be hard with the Senator when he has not a word to say. They are plain questions, and there is no difficulty in saying whether he believes these compromises to be compacts or not, and whether or not he is bound by them. He will not answer the question. He will neither admit that he is bound, nor that he is not bound; yet the Senator from Ohio talks about the sacredness of compacts. The compact of 1820 is sacred in his eye. Is the compact of 1850 sacred in the eye of the Senator from Ohio? If it is sacred with him, I ask him again, how did he vote when the proposition was made to repeal that portion of the action of 1850 called the fugitive slave law? Did the Senator vote for that proposition? I suppose he will not answer that question, except in his own way. Sir, there is always a straightforward mode of answering a question. There is always a straightforward mode of getting to a point,

and to a decision. When the Senator from Ohio will not say that he believes the action of 1850 to be a compact, and when he takes it upon himself to denounce us as false to what he calls a compact which was entered into in 1820, while the record shows that he himself is false to the compact which was entered into in 1850, what attitude does that Senator occupy on this floor? I must say that it is any thing else than an enviable one. If it be dishonorable, as the Senator seems to think it is, to repeal the act of 1820, is it less so to repeal the acts of 1850? What is there that renders the one a compact and sacred, and does not render the other equally a compact, equally binding on the Northern people, and to be held equally sacred by honorable men, whether living in the North or South? If the act of 1820 was an agreement between the North and South, were not the acts of 1850 equally so? but the Senator from Ohio, declaring, as he has done, the sacredness of the act of 1820, in violation of and in total disregard of the principle of honor which he himself has labored so assiduously to establish, coolly and deliberately, and with malice aforethought, voted at the last session of Congress to repeal one of the acts of 1850—the one called the Fugitive Slave bill.

"Sir, with what consistency can the Senator talk of honor, with this act of his staring him in the face, and this brand of violated faith burning on his brow? He comes here and presents—although I must do him the justice to say that he denies that he had any knowledge of what was contained in the resolution which was read by the Senator from North Carolina—a petition containing charges against members of this body which, if true, would exclude every member against whom the charge is made from the seat which he here occupies. The Senator says, however, that he knew nothing of what was contained in the resolution. I will not, therefore, hold him responsible for it.

"Mr. Douglas: I will yield the floor generally, so as to let this matter go on.

"Mr. Dixon: I shall not occupy more than a few minutes. But, Mr. President, I confess I am incapable of understanding the position of the Senator from Ohio. I do not know really what he means when he comes here with one hand holding a petition denouncing all the members upon this floor who are in favor of the repeal of the Missouri Compromise as traitors; whilst, on the other hand, he appears upon the record as having voted himself to repeal that which we would suppose the Senator from Ohio would regard as a compact sacred in the estimation of the people North and South—aye, sir, as sacred as the act of 1820. That is the position which he occupies, and it can be no other. The Senator from Ohio is in favor of the solemnity and sacredness of compacts, and yet he can put his foot upon a compact; he can violate a compact; he can be faithless to a compact; he can denounce (to his friends, at least), as traitors, those who are in favor of repealing what is considered a most obnoxious restriction upon a great section of the people of the United States. That is the position which he seems to occupy.

"I merely wish that the Senator may place himself right on this question. If he means to maintain that the act of 1820 was a sacred compact, to be maintained by the people of the North and the South, let him say so. If he means that the acts of 1850 formed a solemn compact, to be maintained by the people of the North and the South, let him say so. If he means to say that every Northern man is bound by these compacts, let him say so. If he means to affirm that he is not bound by them—that he has a right to denounce others for not abiding by them, whilst he himself refuses the acknowledgment of their obligations on himself—let him say so.

"These are the points to which I desire to call the attention of the Senator from Ohio. Having done so, I yield the floor, with the understanding that as he

would not answer my questions directly, he may do so in that manner which suits his own judgment and his own taste.

"Mr. Chase: If the honorable Senator from Kentucky had done me the honor to listen to the remarks which I addressed to the Senate before he took the floor, he would have seen in them a direct and unequivocal answer to each of his interrogatories; and having once before answered them, and having failed to reach his understanding, not through any defect of that understanding, but from want of attention on the part of that Senator, I say to him distinctly that I regard the act for the admission of Missouri as a compact, binding upon the parties who were concerned in the making of it, and those parties I have already stated to be the North and the South.

"Then, in regard to his second interrogatory, Were the Compromises of 1850 a compact? I say, no; they were not a compact.

"Mr. Dixon: That is what I wanted to know.

"Mr. Chase: That is precisely what I said before. They were a series of measures, like any other measures, subject to repeal. And now, with the permission of the Senator, I will ask him a question. Does he regard the acts of 1850 as a compact?

"Mr. Dixon: The Senator asks me whether I regard them as a compact. I do not. I regard them as acts of Congress which were passed to settle a great question, and to quiet the agitation in the country, growing out of that question. I regard the acts of 1850 as imposing an obligation upon the people of the North and the South to adhere to them. I do not regard the act of 1820 in that light. I will explain to the Senator. In the first place, I look upon the act of 1820 as a violation of the Constitution of the United States; and I do not admit that the Congress of the United States has any power to impose any restrictions upon the people of the United States which are a violation of the Constitution. It at-

tempts to deprive a certain class of citizens of rights which clearly belong to them under the Constitution, and if carried into effect, converts the Government of the United States into a despotism, and the people on whom the restriction acts, slaves.

"In the next place, I look upon the act itself as a violation and a breaking down of that equality which exists between the different States; for, whilst it secures nothing to those who live south of 36° 30′, it secures to the people living north of 36° 30′ the exclusive right to settle the territory. The South gains nothing by it; the North gains the right to settle the territory. The contract is in favor of the North; it is not in favor of the South.

"I will further remark to the Senator, that I do not understand and never did understand, that that was the agreement which was entered into between the North and South. The real compromise and the only compromise which could amount to any thing, was that which was proposed by the great Senator from Kentucky (Mr. Clay), upon the admission of Missouri into the Union. That proposition has been read to the Senate, and the Senate are familiar with it. I need not repeat it. That was the true basis of the compact which was entered into in regard to the admission of Missouri. So far as regards that, I look upon it as binding, and I should consider any effort to repeal it or to supersede it a violation of the sacred understanding which existed between the North and the South; but so far as regards the act fixing the line of 36° 30′, I look upon it as *nudum pactum*, utterly void, because it violates the Constitution of the United States; utterly void, because the North received every thing and the South nothing; utterly void, because the North repudiated it in the next year after it was passed and showed that she was faithless to it, at least so far as regarded its being a compromise. Perhaps I should not say that she was faithless to it; but, at any rate, she disregarded it, and did not understand

it as binding upon her, or as bindiug upon any body; because she afterwards refused to let Missouri into the Union without annexing the condition which was proposed by Mr. Clay. Then I answer the Senator's question in the manner that I have done. . . .

"Mr. Cass: Mr. President, I desire not to be misunderstood upon this point; therefore I hope the Senate will pardon me for troubling them with a few words. In the first place, the Senator from Ohio repudiates this measure as not being an act of non-intervention. He says it is not following out our own principles, but it is intervention. The Senator and myself view the subject very differently; and he is either wrong, and very wrong, or I am. The Compromise measure of 1820 was an intervention—nobody can deny that, for the plainest of all reasons, because it altered the existing state of things by the authority of Congress. Congress did intervene to declare that the country north of the Missouri Compromise line should have no slavery. It did not touch the remainder of the country ceded from France, but it intervened over a large portion of the acquisition made by the treaty by which we acquired Louisiana. There, then, was intervention.

"What is the proposition of the bill now? It is to declare that intervention void. How can the honorable Senator from Ohio call such a proposition intervention? It is strict non-intervention; it is putting us in a true position from a false one. That is the effect of the repeal of the Missouri Compromise. It is a strict act of non-intervention, declaring the great principle, that the people of the local communities, whether called States or Territories, and not the Congress of the United State, shall exercise this great power of government. That is the point. . . .

"Mr. Stuart: Mr. President, I do not think that the questions presented here are perfectly clear; and for the purpose of bringing us to where certainly the rules of the Senate bring us, I want to call the attention of the

Senate for a moment to what is the true condition of this bill. . . .

"Now, sir, I think there are some things proper to be considered here. What have we heard? We have heard gentlemen from the South, who belong to one political organization, rise in their places in the Senate and tell us that, in their opinion, the amendment last offered by the Senator from Illinois, Mr. Douglas, which has been incorporated into the bill, confers full power in terms and in fact, under the Constitution, and in law, upon the territorial authorities; and we have heard Senators equally distinguished from the South, but of another political organization, deny that. . . .

"I can stand, and I will stand, by the doctrine that the people of the territories may adjust this matter to suit themselves. We have stood upon that doctrine heretofore. We have stood upon it until there was not a murmur in a Northern State, until, sir, you could not get up an Abolition meeting as big as your hat in opposition to it. . . .

"Mr. President, I say again, I mean what I say. I mean in this bill, if I support it at all, to vote for a bill upon which, so far as the English language can be interpreted, there shall be no two interpretations. But, sir, I mean another thing. I call the attention of the Senate to-day, and I call the attention of the country, to the fact that the distinguished Senator from Delaware, Mr. Clayton, who has addressed the Senate ably for the past two days, has told you, as plainly as language can tell you, that, prior to the enactment of 1820, in the country covered by these territories, slavery existed, and wat tolerated by law and custom. He has told you, also, not in terms, but it is the legitimate inference from his argument—and I presume that distinguished gentlemen will not deny it; and, if he does, I will thank him to correct me—that, if you repeal the law of 1820, you will leave the pre-existing law revived and in force. If the Senator does not agree with me in that interpretation

of his remarks, I say, again, that I hope he will correct me.

"Now, sir, what am I to do, as a Northern man—and God forbid that I should ever say or do any thing as a Northern man which I would not do or say as a Southern man? But what am I to do? I have drawn up an amendment which I shall ask the Senate to append to this bill, or I pledge myself here that I will never vote for it, declaring that the repeal of the act of 1820 shall not be deemed to revive any former law authorizing, establishing, or tolerating slavery in these territories. Sir, it will not then do for some Senator to rise here and tell me that there is no need of that provision; for, as I said before, if the Senate, if Congress, to-day or to-morrow, or at any future day, are about to obliterate the law of 1820, and to place this matter under the full jurisdiction of the people of the territories, let there be no room for misconstruction. . . .

"Sir, my object in rising, as I said, was to make the point so that the Senate could come back to the true condition of this bill, so that an amendment to the amendment now pending might be properly offered, and the distinct proposition put, because I do not desire to give a vote which shall place me in a false position; but I shall vote for every proposition which renders clear, distinct and unequivocal the main object of this bill—to confer upon the territorial organizations the power to legislate upon the question of slavery, as well as all others. . . .

"Mr. Douglas: The Senator from Michigan thinks that we ought to say, in so many words, they have power to legislate upon the subject of slavery, either to introduce or to exclude. Why, sir, there is no doubt but that that is said in the bill now in as clear language as man can use, except that the power is to be subject to the limitations of the Constitution of the United States. Can you make it any clearer? Do you not desire to have your legislation subject to the Constitution? If you

leave out these words, will you confer any more power than if you retain them? You have given the power here in language as explicit and as comprehensive as man can use, unless the exercise of the power is prohibited by the Constitution. If the Constitution itself prohibits it, how can you confer it? . . .

"Mr. Walker: The bill as it now stands, as it has been amended on the motion of the Senator from Illinois, proposes to declare that the legislation of 1820 being 'inconsistent with the principle of non-intervention by Congress with slavery in the States and territories, as recognized by the legislation of 1850, commonly called the Compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.'

"Now, I will appeal to two of the oldest lawyers in the Senate as to the meaning of this provision. Let me ask the same question which was put by the Senator from Michigan, and which was only answered in so far as silence gives consent by the Senator from Delaware. I understood him to say in his speech that, prior to the adoption of the Missouri Compromise line, the whole territory acquired from France was slave territory, that the law of slavery prevailed there. The Senator from Michigan put to him this question, which I repeat: If now the Missouri Compromise be abolished or repealed, does he understand it as reviving the law of Louisiana as it existed prior to the establishment of that compromise line?

"Mr. Clayton: The honorable Senator can draw his own inference. I stated, what I supposed to be the fact, that in the territory acquired from France by the treaty of 1803, and acquired before that by France from Spain, slavery existed. The honorable Senator can draw his

own inference as to what would be the effect of the repeal of the Missouri Compromise line there. I do not wish to interpose my own opinions on the subject, but I think I disclose very clearly in the debate my own impressions in regard to it.

"Mr. Walker: I do not wish to draw an inference from the gentleman's position; but I desire to have an answer from the honorable Senator from Delaware, because of his known legal ability.

"Mr. Clayton: I have not the slightest objection to saying to the gentleman that I consider that slavery did exist in this territory under the treaty of 1803, and the French and Spanish law which had previously prevailed there, and I suppose that the repeal of the Missouri Compromise line would leave things as they were before it was enacted.

"Mr. Walker: Then, as I understand it, the answer is that to repeal now the Compromise of 1820 would revive the slave law in Nebraska.

"Mr. Butler: If the Senator from Wisconsin will allow me, I wish to say a word. I have understood my friend from Delaware to take the position that the Missouri Compromise line was unconstitutional and void.

"Mr. Clayton. Yes, sir.

"Mr. Butler: And therefore any repeal of it would have no effect whatever on the *status quo ante bellum*.

"Mr. Clayton: Certainly. . . .

"The passage of an unconstitutional law amounts to nothing.

"Mr. Walker: We are getting at a uniformity of opinion very fast now among those who advocate the bill. The Senator from Delaware is of opinion that, by repealing the Missouri Compromise, if it had any validity—and if it had none, we might just as well leave it alone—we re-establish the French law creative of slavery. He is concurred with in the abstract by the Senator from North Carolina. . . .

"Then supposing that the repeal of the Missouri Com-

promise does re-establish and set up the laws of Louisiana, which permit slavery, what do we find this opposition to amount to after all? Why, we are just now getting to the discovery that this is a bill to establish slavery in Nebraska. . . .

"It does not mean non-intervention, but it is intervention of the most pernicious kind. It is intervention, as I understand, to introduce slavery."[1]

After a long and heated debate, Mr. Badger said:

"Before the question is taken on the pending amendment of the Senator from Ohio, I wish to say, that when that amendment is disposed of, if it shall be voted down, I will propose the amendment which I hold in my hand, to come in immediately after that portion of the bill to which the Senator from Ohio proposes his amendment. And I offer it for this purpose: I have supposed, as I have stated, that the provision of the bill, as it stands, is truly and strictly a non-intervention proposition; which, if adopted as it stands, will leave these territories without any law on the subject at all, and will leave the inhabitants of the territories to select their own law. But, sir, as some doubts seem to be entertained by some gentlemen on this subject, and as I certainly do not wish, and as I am very sure that none of my Southern friends wish that a law should be passed which, directly or indirectly, by the power of Congress, should establish slavery in a territory; and, as we want this proposition to be, and to be understood to be, exactly what we take it to be as it stands, I will submit to the Senate this proviso, which must remove all possible difficulty, either real or imaginary upon this subject:

"'*Provided*, That nothing contained in this act shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the sixth of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery.'"[2]

[1] Cong. Globe, Vol. 29, pp. 281-291. [2] Cong. Globe, Vol. 28, p. 296.

Mr. Chase's amendment was rejected by 36 to 10.

Mr. Badger's amendment was then voted on and adopted by 35 to 6.

Mr. Clayton then moved to amend by striking out that portion of the substitute of the committee which allows aliens to vote after having declared their intentions. "I will make a very brief statement on this subject. The non-intercourse act of 1834 positively prohibits aliens from going into this territory without a passport. The reason of that must be apparent to Senators. British agents were supposed to have entered there and stirred up the Indians; or it was apprehended there was danger of such persons going there to disturb the Indians against the frontier settlers. In my opinion, the Constitution demands, and every dictate of sound policy demands, that the right of suffrage and holding office in these territories should be restricted to citizens of the United States. Unless this be done, these very men to whom I have referred may go there and legislate. To avoid this, I move to strike out the words:

"'And those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.'

"So that the proviso will read:

"'*Provided*, That the right of suffrage and holding office shall be exercised only by citizens of the United States.'"[1]

This amendment having been agreed to, the bill was then ordered to be engrossed for a third reading, by a vote of 29 to 12.

On Friday, March 3d, the question was, "Shall the bill pass?"

And now ensued a debate, as remarkable for its length as for its impassioned earnestness, its excited and heated discussions; and which closed with a speech from Doug-

[1] App. Cong. Globe, Vol. 29, p. 297.

las, which has never been excelled in force of logic, in power of arraying facts, and in boldness of denunciation of those who had slandered him to the country, stigmatizing him as a traitor to her and plotter against her liberties. His enemies quailed before his fiery eloquence, before the truth, so plainly set forth.

Only a portion of this speech is given, as it is in part a repetition and grouping together of facts already known to the reader.

"Mr. Douglas: I wish to ask the Senator from New York (Mr. Seward) a question. If I understood his remarks when he spoke, and if I understand his speech as published, he averred that the Missouri Compromise was a compact between the North and the South; that the North performed it on its part; that it had done so faithfully for thirty years; that the South had received all its benefits, and the moment these benefits had been fully realized, the South disavowed the obligations under which it had received them. Is not that his position?

"Mr. Seward: I am not accustomed to answer questions put to me, unless they are entirely categorical, and placed in such a shape that I may know exactly, and have time to consider, their whole extent. The honorable Senator from Illinois has put a very broad question. What I mean to say, however, and that will answer his purpose, is, that his position, and that the position of the South is, that this was a compromise; and I say that the North has never repudiated that compromise. Indeed, it has never had the power to do so. Missouri came into the Union under that compromise; and whatever individuals may have contended, the practical effect is, that the South has had all that she could get by that compromise, and that the North is now in the predicament of being obliged to defend what was left to her. I believe that answers the question.

"Mr. Douglas: Now, Mr. President, I choose to

bring men directly up to the point. The Senator from New York has labored in his whole speech to make it appear that this was a compact; that the North had been faithful, and that the South acquiesced until she got all its advantages, and then disavowed and sought to annul it. This he pronounced to be bad faith; and he made appeals about dishonor. The Senator from Connecticut (Mr. Smith) did the same thing, and so did the Senator from Massachusetts (Mr. Sumner), and the Senator from Ohio (Mr. Chase). That is the great point to which the whole Abolition party are now directing all their artillery in this battle. Now, I propose to bring them to the point. If this was a compact, and if what they have said is fair, or just, or true, who was it that repudiated the compact?

"Mr. Sumner: Mr. President, the Senator from Illinois, I know, does not intend to misstate my position. That position, as announced in the language of the speech which I addressed to the Senate, and which I now hold in my hand, is, 'that this is an infraction of solemn obligations, assumed beyond recall by the South, on the admission of Missouri into the Union as a slave State,' which was one year after the act of 1820.

"Mr. Douglas: Mr. President, I shall come to that; and I wish to see whether this was an obligation which was assumed 'beyond recall.' If it was a compact between the two parties, and one party has been faithful, it is beyond recall by the other. If, however, one party has been faithless, what shall we think of them, if, while faithless, they ask a performance?

"Mr. Seward: Show it.

"Mr. Douglas: That is what I am coming to. I have already stated that, at the next session of Congress, Missouri presented a Constitution in conformity with the act of 1820; that the Senate passed a joint resolution to admit her, and that the House refused to admit Missouri in conformity with the alleged compact; and, I think, on three distinct votes, rejected her.

"Mr. Seward: I beg my honorable friend—for I desire to call him so—to answer me frankly, whether he would rather I should say what I have to say in this desultory way, or whether he would prefer that I would answer him afterwards; because it is with me a rule in the Senate never to interrupt a gentleman, except to help him in his argument.

"Mr. Douglas: I would rather hear the Senator now.

"Mr. Seward: What I have to say now—and I acknowledge the magnanimity of the Senator from Illinois in allowing me to say it—is, that the North stood by that compact until Missouri came in with a Constitution, one article of which denied the colored citizens of other States the equality of privileges which were allowed to all other citizens of the United States, and then the North insisted on the right of colored men to be regarded as citizens, and entitled to the privileges and immunities of citizens. Upon that a new compromise was necessary. I hope I am candid.

"Mr. Douglas: The Senator is candid, I have no doubt, as he understands the facts; but I undertake to maintain that the North objected to Missouri because she allowed slavery, and not because of the free-negro clause alone.

"Mr. Seward: No, sir.

"Mr. Douglas: Now, I will proceed to prove that the North did not object solely on account of the free-negro clause; but that, in the House of Representatives at the time, the North objected as well because of slavery as in regard to free negroes. Here is the evidence. In the House of Representatives, on the 12th of February, 1821, Mr. Mallory, of Vermont, moved to amend the Senate joint resolution for the admission of Missouri, as follows:

" 'To amend the said amendment, by striking out all thereof after the word respects, and inserting the following: "Whenever the people of the said State by a Convention, appointed according to the manner provided

by the act to authorize the people of Missouri to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories, approved March 6, 1820, adopt a Constitution conformably to the provisions of said act, and shall, *in addition to said provisions, further provide, in and by said Constitution, that neither slavery nor involuntary servitude shall ever be allowed in the State of Missouri,* unless inflicted as a punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted. *Provided*, that the civil condition of those persons who now are held to service in Missouri shall not be affected by this last provision." '

"Here I show that the proposition was made that Missouri should not come in unless, in addition to complying with the Missouri Compromise, so called, she would go further, and prohibit slavery within the limits of the State.

"Mr. Seward: Now, then, for the vote.

"Mr. Douglas: The vote was taken by yeas and nays. I hold it in my hand. Sixty-one Northern men voted for that amendment, and thirty-three against it. Thus the North, by a vote of nearly two to one, expressly repudiated a solemn compact upon the very matter in controversy, to wit, that slavery should not be prohibited in the State of Missouri.

"Mr. Weller: Let the Senator from New York answer that.

"Mr. Douglas: I should like to hear his answer.

"Mr. Seward: I desire, if I shall be obtrusive by speaking in this way, that Senators will at once signify, or that any Senator will signify, that I am obtrusive. But I make these explanations in this way, for the reason that I desire to give the honorable Senator from Illinois the privilege of hearing my answer to him as he goes along. It is simply this: That this doctrine of compromise is, as it has been held, that if so many

Northern men shall go with so many Southern men as to fix the law, then it binds the North and South alike. I therefore have but one answer to make, that the vote for the restriction was less than the Northern vote which was given against the whole compromise.

"Mr. Douglas: Well, now, we come to this point: We have been told, during this debate, that you must not judge of the North by the minority, but by her majority. You have been told that the minority, who stood by the Constitution and the rights of the South, were dough-faces.

"Mr. Seward: I have not said so. I will not say so.

"Mr. Douglas: You have all said so in your speeches, and you have asked us to take the majority of the North.

"Mr. Seward: I spoke of the practical fact. I never said any thing about dough-faces.

"Mr. Douglas: You have asked us to take the majority instead of the minority.

"Mr. Seward: The majority of the country?

"Mr. Douglas: I am talking of the majority of the Northern vote.

"Mr. Seward: No, sir.

"Mr. Douglas: I hope the Senator will hear me. I wish to recall him to the issue. I stated that the North in the House of Representatives voted against admitting Missouri into the Union under the act of 1820, and caused the defeat of that measure; and he said that they voted against it on the ground of the free-negro clause in her Constitution, and not upon the ground of slavery. Now I have shown by the evidence that it was upon the ground of slavery, as well as upon the other ground; and that a majority of the North required not only that Missouri should comply with the compact of 1820, so called, but that she should go further, and give up the whole consideration which the Senator says the South received from the North for the Missouri Compro-

mise. The compact, he says, was that, in consideration of slavery being permitted in Missouri, it should be prohibited in the territories. After having procured the prohibition in the territories, the North, by a majority of her votes, refused to admit Missouri as a slave-holding State, and in violation of the alleged compact, required her to prohibit slavery as a further condition of her admission. This repudiation of the alleged compact by the North, is recorded by yeas and nays, 61 to 33, and entered upon the Journal, as an imperishable evidence of the fact. With this evidence before us, against whom should the charge of perfidy be preferred?

"Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it is a calumny upon the North to say that it was a compact. I should feel the flush of shame upon my cheek, as a Northern man, if I were to say it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact in any sense of the term. But if it was, the record proves that faith was not observed—that the contract was never carried into effect—that after the North had procured the passage of the act prohibiting slavery in the territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of the bill—that there was a solemn compact between the North and South that, in consideration of the prohibition of slavery in the territories, Missouri was to be admitted into the Union, in conformity with the act of 1820—that compact was repudiated by the North and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of March 6, 1820.

She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally—admitted on a condition not embraced in the act of 1820, and, in addition to a full compliance with all the provisions of said act. If then, the act of 1820, by the eighth section of which slavery was prohibited in Missouri, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations, and without further conditions, imposes upon us a high moral obligation to remove the prohibition of slavery in the territories, since it has been shown to have been procured upon a condition never performed.

"Mr. President, inasmuch as the Senator from New York has taken great pains to impress upon the public mind of the North the conviction that the act of 1820 was a solemn compact, the violation or repudiation of which, by either party, involves perfidy and dishonor, I wish to call the attention of that Senator (Mr. Seward) to the fact, that his own State was the first to repudiate the compact and to instruct her Senators in Congress not to admit Missouri into the Union, in compliance with it, nor unless slavery should be prohibited in the State of Missouri.

"Mr. Seward: That is so.

"Mr. Douglas: I have the resolutions before me, in the printed Journal of the Senate. The Senator from New York is familiar with the fact, and frankly admits it:

" 'STATE OF NEW YORK, }
" '*In Assembly, November* 13, 1820. }

" '*Whereas*, the legislature of this State, at the last session, did instruct their Senators, and request their Representatives in Congress, to oppose the admission, as a

State, into the Union, of any territory not comprised within the original boundaries of the United States, without making the prohibition of slavery therein an indispensable condition of admission; and whereas this legislature is impressed with the correctness of the sentiment so communicated to our Senators and Representatives: Therefore,

"'*Resolved* (if the honorable Senators concur herein), That this legislature does approve of the principles contained in the resolutions of the last session; and further, if the provisions contained in any proposed Constitution of a new State deny to any citizens of the existing States the privileges and immunities of citizens of such new State, that such proposed Constitution should not be accepted or confirmed; the same, in the opinion of this legislature, being void by the Constitution of the United States. And that our Senators be instructed, and our Representatives in Congress be requested, to use their utmost exertions to prevent the acceptance and confirmation of any such Constitution.'

"It will be seen by these resolutions, that at the previous session the New York legislature had 'instructed' the Senators *from that State 'to oppose the admission, as a State, into the Union, of any territory* not comprised within the original boundaries of the United States, *without making the prohibition of slavery therein an indispensable condition of admission.*'

"These instructions are not confined to territory north of 36° 30′. They apply, and were intended to apply, to the whole country west of the Mississippi, and to all territory which might hereafter be acquired. They deny the right of Arkansas to admission as a slave-holding State, as well as Missouri. They lay down a general principle to be applied and insisted upon every-where, and in all cases, and under all circumstances. These resolutions were first adopted prior to the passage of the act of March 6, 1820, which the Senator now chooses to call a compact. But they were renewed and repeated

on the 13th of November, 1820, a little more than eight months after the adoption of the Missouri Compromise, as instructions to the New York Senators to resist the admission of Missouri as a slave-holding State, notwithstanding the stipulations in the alleged compact. Now, let me ask the Senator from New York by what authority he declared and published in his speech that the act of 1820 was a compact which could not be violated or repudiated without a sacrifice of honor, justice and good faith? Perhaps he will shelter himself behind the resolutions of his State, which he presented this session, branding this bill as a violation of plighted faith.

"Mr. Seward: Will the Senator allow me a word of explanation?

"Mr. Douglas: Certainly, with a great deal of pleasure.

"Mr. Seward: I wish simply to say that the State of New York, for now thirty years, has refused to make any compact on any terms by which a concession should be made for the extension of slavery. But, by the practical action of the Congress of the United States, compromises have been made, which it is held by the honorable Senator from Illinois, and by the South, bind her against her consent and approval. And therefore she stands throughout this whole matter upon the same ground—always refusing to enter into a compromise, always insisting upon the prohibition of slavery within the territories of the United States. But on this occasion we stand here with a contract which has stood for thirty years, notwithstanding our protest and dissent, and in which there is nothing left to be fulfilled except that part which is to be beneficial to us. All the rest has been fulfilled, and we stand here with our old opinions on the whole subject of compromise, demanding fulfillment on the part of the South, which the Senator from Illinois on the present occasion represents.

"Mr. Douglas: Mr. President, the Senator undoubtedly speaks for himself very frankly and very candidly.

"Mr. Seward: Certainly I do.

"Mr. Douglas: But I deny that on this point he speaks for the State of New York.

"Mr. Seward: We shall see.

"Mr. Douglas: I will state the reason why I say so. He has presented here resolutions of the State of New York, which have been adopted this year, declaring the act of March 6, 1820, to be a 'solemn compact.'

"I read from the second resolution:

"'But at the same time, duty to themselves and to the other States of the Union demands that when an effort is making to violate a solemn compact, whereby the political power of the State, and the privileges as well as the honest sentiments of its citizens, will be jeoparded and invaded, they should raise their voice in protest against the threatened infraction of their rights, and declare that the negation or repeal by Congress of the Missouri Compromise will be regarded by them as a violation of right and of faith, and destructive of that confidence and regard which should attach to the enactments of the Federal legislature.'

"Mr. President, I can not let the Senator off on the plea that I, for the sake of argument, in reply to him and other opponents of this bill, have called it a compact; or that the South have called it a compact; or that other friends of Nebraska have called it a compact which has been violated and rendered invalid. He and his Abolition confederates have arraigned me for the violation of a compact which, they say, is binding in morals, in conscience, and honor. I have shown that the legislature of New York, at its present session, has declared it to be a 'solemn compact,' and that its repudiation would be 'regarded by them as a violation of right, and of faith, and destructive of confidence and regard.' I have also shown that, if it be such a compact, the State of New York stands self-condemned and self-convicted as the first to repudiate and violate it.

"But since the Senator has chosen to make an issue

with me in respect to the action of New York, with the view of condemning my conduct here, I will invite the attention of the Senator to another portion of these resolutions. Referring to the fourteenth section of the Nebraska bill, the legislature of New York says:

"'That the adoption of this provision would be in derogation of the truth, a gross violation of plighted faith, and an outrage and indignity upon the free States of the Union, whose assent has been yielded to the admission into the Union of Missouri and of Arkansas, with slavery, in reliance upon the faithful observance of the provision (now sought to be abrogated), known as the Missouri Compromise, whereby slavery was declared to be "forever prohibited in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State" of Missouri.'

"I have no comment to make upon the courtesy and propriety exhibited in this legitimate declaration, that a provision in a bill, reported by a regular Committee of the Senate of the United States, and known to be approved by three-fourths of the body, and which has since received the sanction of their votes, is 'in derogation of truth, a gross violation of plighted faith, and an outrage and indignity,' etc. The opponents of this measure claim a monopoly of all the courtesies and amenities, which should be observed among gentlemen, and especially in the performance of official duties; and I am free to say that this is one of the mildest and most respectful forms of expression in which they have indulged. But there is a declaration in this resolution to which I wish to invite the particular attention of the Senate and the country. It is the distinct allegation that 'the free States of the Union,' including New York, yielded their 'assent to the admission into the Union of Missouri and Arkansas, with slavery, in reliance upon the faithful observance of the provision known as the Missouri Compromise.'

"Now, sir, since the Legislature of New York has gone out of its way to arraign the Senate on matters of truth, I will demonstrate that this paragraph contains two material statements in direct 'derogation of truth.' I have already shown beyond controversy, by the records of the Legislature and by the Journals of the Senate, that New York never did give 'her assent to the admission of Missouri with slavery.' Hence, I must be permitted to say, in the polite language of her own resolutions, that the statement that 'New York yielded her assent to the admission of Missouri with slavery,' is in 'derogation of truth;' and, secondly, the statement that 'such assent was given in reliance upon the faithful observance of the Missouri Compromise,' is equally 'in derogation of truth.' New York never assented to the admission of Missouri as a slave State, never observed its stipulations as a compact, never has been willing to carry it out; but, on the contrary, has always resisted it, as I have demonstrated by her own records.

"Mr. President, I have before me other journals, records, and instructions, which prove that New York was not the only free State that repudiated the Missouri Compromise of 1820 within twelve months from its date. I will not occupy the time of the Senate at this late hour of the night by referring to them, unless some opponent of the bill renders it necessary. In that event, I may be able to place other Senators and their States in the same unenviable position in which the Senator from New York has found himself and his State.

"I think I have shown that to call the act of the 6th of March, 1820, a compact, binding in honor, is to charge the Northern States of this Union with an act of perfidy unparalleled in the history of legislation or of civilization. . . .

"I do not deem it necessary to discuss the question whether the conditions upon which Missouri was admitted were wise or unwise. It is sufficient for my present purpose to remark that the 'fundamental condi-

tion' of her admission related to certain clauses in the Constitution of Missouri in respect to the migration of free negroes into that State; clauses similar to those now in force in the Constitutions of Illinois and Indiana, and perhaps other States, causes similar to the provisions of law in force at that time in many of the old States of the Union, and, I will add, clauses which, in my opinion, Missouri had a right to adopt under the Constitution of the United States. It is no answer to this position to say that those clauses in the Constitution of Missouri were in violation of the Constitution. If they did conflict with the Constitution of the United States, they were void; if they were not in conflict, Missouri had a right to put them there and to pass all laws necessary to carry them into effect. Whether such conflict did exist is a question which, by the Constitution, can only be determined authoritatively by the Supreme Court of the United States. Congress is not the appropriate and competent tribunal to adjudicate and determine questions of conflict between the Constitution of a State and that of the United States. Had Missouri been admitted without any condition or restriction, she would have had an opportunity of vindicating her Constitution and rights in the Supreme Court, the tribunal created by the Constitution for that purpose.

"By the condition imposed on Missouri, Congress not only deprived that State of a right which she believed she possessed under the Constitution of the United States, but denied her the privilege of vindicating that right in the appropriate and constitutional tribunals, by compelling her, 'by a solemn public act,' to give an irrevocable pledge never to exercise or claim the right. Therefore Missouri came in under a humiliating condition—a condition not imposed by the Constitution of the United States, and which destroys the principle of equality which should exist, and by the Constitution does exist, between all the States of this Union. This inequality results from Mr. Clay's Compromise of 1821,

and is the principle upon which that compromise was constructed. I own that the act is couched in general terms and vague phrases, and therefore may possibly be so construed as not to deprive the State of any right she may possess under the Constitution. Upon that point I wish only to say, that such a construction makes the 'fundamental condition' void, while the opposing construction would demonstrate it to be unconstitutional. I have before me the 'solemn public act' of Missouri to this fundamental condition. Whoever will take the trouble to read it will find it the richest specimen of irony and sarcasm that has ever been incorporated into a solemn public act.

"Sir, in view of these facts I desire to call the attention of the Senator from New York to a statement in his speech, upon which the greater part of his argument rested. His statement was, and is now being published in every Abolition paper, and repeated by the whole tribe of Abolition orators and lecturers, that Missouri was admitted as a slave-holding State, under the act of 1820; while I have shown, by the President's proclamation of August 10, 1821, that she was admitted in pursuance of the resolution of March 2, 1821. Thus it is shown that the material point of this speech is contradicted by the highest evidence—the record in the case. The same statement, I believe, was made by the Senator from Connecticut (Mr. Smith), and the Senators from Ohio (Mr. Chase and Mr. Wade), and the Senator from Massachusetts (Mr. Sumner). Each of these Senators made and repeated this statement, and upon the strength of this erroneous assertion called upon us to carry into effect the eighth section of the same act. The material fact upon which their argument rested being overthrown, of course their conclusions are erroneous and deceptive.

"Mr. Seward: I hope that the Senator will yield for a moment, because I have never had so much respect for him as I have to-night.

"Mr. Douglas: I see what course I have to pursue to command the Senator's respect. I know now how to get it. (Laughter.)

"Mr. Seward: Any man who meets me boldly commands my respect. I say that Missouri would not have been admitted at all into the Union by the United States except upon the Compromise of 1820. When that point was settled about the restriction of slavery, and that all the rest of the Louisiana purchase, which is now known as Nebraska, should be forever free from slavery, Missouri adopted a constitution, which was thought by the Northern States to infringe upon the right of citizenship guaranteed by the Constitution of the United States, which was a new point altogether; and upon that point debate was held, and upon it a new compromise was made, and Missouri came into the Union upon the agreement that, in regard to that question, she submitted to the Constitution of the United States, and so she was admitted into the Union.

"Mr. Douglas: Mr. President, I must remind the Senator again that I have already proven that he was in error in stating that the North objected to the admission of Missouri merely on account of the free-negro clause in her Constitution. I have proven by the votes that the North objected to her admission because she tolerated slavery; this objection was sustained by the North by a vote of nearly two to one. He can not shelter himself, therefore, under the free-negro dodge so long as there is a distinct vote of the North objecting to her admission because, in addition to complying with the act of 1820, she did not also prohibit slavery, which was the only consideration that the South was to have for agreeing to the prohibition of slavery in the territories. Then, having deprived the Senator, by conclusive evidence from the records, of that pretext, what do I drive him to? I compel him to acknowledge that a new compromise was made.

"Mr. Seward: Certainly there was.

"Mr. Douglas: Then, I ask, why was it made? Because the North would not carry out the first one. And the best evidence that the North did not carry out the first one is the Senator's admission that the South was compelled to submit to a new one. Then, if there was a new compromise made, did Missouri come in under the new one or the old one?

"Mr. Seward: Under both.

"Mr. Douglas: This is the first time, in this debate, it has been intimated that Missouri came in under two acts of Congress. The Senator did not allude to thc resolutions of 1821 in his speech; none of the opponents of this bill have said it. But it is now admitted that she did not come into the Union under the act of 1820 alone. She had been voted out under the first compromise, and this vote compelled her to make a new one, and she came in under the new one; and yet the Senator from New York, in his speech, declared to the world that she came in under the first one. This is not an immaterial question. His whole speech rests upon that misapprehension or misstatement of the record.

"Mr. Seward: You had better say misapprehension.

"Mr. Douglas: Very well; we will call it by that name. His whole argument depends upon that misapprehension. After stating that the act of 1820 was a compact, and that the North performed its part of it in good faith, he arraigns the friends of this bill for proposing to annul the eighth section of the act of 1820 without first turning Missouri out of the Union, in order that slavery may be abolished therein by an act of Congress. He says to us, in substance: 'Gentlemen, if you are going to rescind the compact, have respect for that great law of morals, of honesty, and of conscience, which compels you first to surrender the consideration which you have received "under the compact."' I concur with him in regard to the obligation to restore the consideration when a compact is rescinded. And, inasmuch as the prohibition in the territories north of 36° 30′ was

obtained, according to his own statement, by an agreement to admit Missouri as a slave-holding State on an equal footing with the original States, 'in all respects whatsoever,' as specified in the first section of the act of 1820; and, inasmuch as Missouri was refused admission under said act, and was compelled to submit to a new compromise in 1821, and was then received into the Union on a fundamental condition of inequality, I call on him and his Abolition confederates to restore the consideration which they have received, in the shape of a prohibition of slavery north of 36° 30′, under a compromise which they repudiated, and refused to carry into effect. I call on them to correct the erroneous statement in respect to the admission of Missouri, and to make restitution of the consideration by voting for this bill. I repeat that this is not an immaterial statement. It is the point upon which the Abolitionists rest their whole argument. They could not get up a show of pretext against the great principle of self-government involved in this bill, if they could not repeat all the time, as the Senator from New York did in his speech, that Missouri came into the Union with slavery, in conformity to the compact which was made by the act of 1820, and that the South, having received the consideration, is now trying to cheat the North out of her part of the benefits. I have proven that, after Abolitionism has gained its point, so far as the eighth section of the act prohibited slavery in the territories, Missouri was denied admission by Northern votes until she entered into a compact by which she was understood to surrender an important right now exercised by several States of the Union.

"Mr. President, I did not wish to refer to these things. I did not understand them fully in all their bearings at the time I made my first speech on this subject; and, so far as I was familiar with them, I made as little reference to them as was consistent with my duty; because

it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the Abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now—that they were branded as dough-faces—traitors to freedom, and to the section of the country whence they came.

"Mr. Geyer: They honored Mr. Lanman, of Connecticut, by burning him in effigy.

"Mr. Douglas: Yes, sir; these Abolitionists honored Mr. Lanman in Connecticut just as they are honoring me in Boston, and other places, by burning me in effigy.

"Mr. Cass: It will do you no harm.

"Mr. Douglas: Well, sir, I know it will not; but why this burning in effigy? It is the legitimate consequence of the address which was sent forth to the world by certain Senators whom I denominated, on a former occasion, as the Abolition confederates. The Senator from Ohio presented here the other day a resolution—he says unintentionally, and I take it so—declaring that every Senator who advocated this bill was a traitor to his country, to humanity, and to God; and even he seemed to be shocked at the results of his own advice when it was exposed. Yet he did not seem to know that it was, in substance, what he had advised in his address,

over his own signature, when he called upon the people to assemble in public meetings, and thunder forth their indignation at the criminal betrayal of precious rights; when he appealed to ministers of the gospel to desecrate their holy calling, and attempt to influence passions, and fanaticism, and prejudice against Senators who would not consider themselves very highly complimented by being called his equals? And, yet, when the natural consequences of his own action and advice came back upon him, and he presents them here, and is called to an account for the indecency of the act, he professes his profound regret and surprise that any thing should have occurred which could possibly be deemed unkind or disrespectful to any member of this body!

"Mr. Sumner: I rise merely to correct the Senator in a statement in regard to myself, to the effect that I had said that Missouri came into the Union under the act of 1820, instead of the act of 1821. I forbore to designate any particular act under which Missouri came into the Union, but simply asserted, as the result of the long controversy with regard to her admission, and as the end of the whole transaction, that she was received as a slave State; and that on being so received, whether sooner or later, whether under the act of 1820 or 1821, the obligations of the compact were fixed—irrevocably fixed—so far as the South is concerned.

"Mr. Douglas: The Senator's explanation does not help him at all. He says he did not state under what act Missouri came in; but he did say, as I understood him, that the act of 1820 was a compact; and that, according to that compact, Missouri was to come in with slavery, provided slavery should be prohibited in certain territories, and did come in in pursuance of the compact. He now uses the word 'compact.' To what compact does he allude? Is it not to the act of 1820? If he did not, what becomes of his conclusion that the eighth section of that act is irrepealable? He will not venture to deny that his reference was to the act of

1820. Did he refer to the joint resolution of 1821, under which Missouri was admitted? If so, we do not propose to repeal it. We admit that it was a compact, and that its obligations are irrevocably fixed. But that joint resolution does not prohibit slavery in the territories. The Nebraska bill does not propose to repeal it, or impair its obligations in any way. Then, sir, why not take back your correction, and admit that you did mean the act of 1820 when you spoke of irrevocable obligations and compacts? Assuming, then, that the Senator meant what he is now unwilling either to admit or deny, even while professing to correct me, that Missouri came in under the act of 1820, I aver that I have proven that she did not come into the Union under that act. I have proven that she was refused admission under that alleged compact. I have, therefore, proven incontestably that the material statement upon which his argument rests is wholly without foundation, and unequivocally contradicted by the record.

"Sir, I believe I may say the same of every speech which has been made against the bill, upon the ground that it impaired the obligations of compacts. There has not been an argument against the measure, every word of which, in regard to the faith of compacts, is not contradicted by the public records. What I complain of is this: the people may think that a Senator, having the laws and journals before him, to which he could refer, would not make a statement in contravention of those records. They make the people believe these things, and cause them to do great injustice to others, under the delusion that they have been wronged, and their feelings outraged. Sir, this address did for a time mislead the whole country. It made the legislature of New York believe that the act of 1820 was a compact which it would be disgraceful to violate; and, acting under that delusion, they framed a series of resolutions, which, if true and just, convict the State of an act of perfidy and treachery unparalleled in the history

of free governments. You see, therefore, the consequences of these misstatements. You degrade your own States, and induce the people, under the impression that they have been injured, to get up a violent crusade against those whose fidelity and truthfulness will in the end command their respect and admiration. In consequence of arousing passions and prejudices, I am now to be found in effigy, hanging by the neck, in all the towns where you have the influence to produce such a result. In all these excesses the people are yielding to an honest impulse, under the impression that a grievous wrong has been perpetrated. You have had your day of triumph. You have succeeded in directing upon the heads of others a torrent of insult and calumny from which even you shrink with horror, when the fact is exposed that you have become the conduits for conveying it into this hall. In your State, sir (addressing himself to Mr. Chase), I find that I am burnt in effigy in your Abolition towns. All this is done because I have proposed, as it is said, to violate a compact! Now, what will those people think of you when they find out that you have stimulated them to these acts, which are disgraceful to your party, and disgraceful to your cause, under a misrepresentation of the facts, which misrepresentation you ought to have been aware of, and which should never have been made?

"Mr. Chase: Will the Senator from Illinois permit me to say a few words?

"Mr. Douglas: Certainly.

"Mr. Chase: Mr. President, I certainly regret that any thing has occurred in my State which should be otherwise than in accordance with the disposition which I trust I have ever manifested, to treat the Senator from Illinois with entire courtesy. I do not wish, however, to be understood, here or elsewhere, as retracting any statement which I have made, or being unwilling to reassert that statement when it is directly impeached. I regard the admission of Missouri, and the facts of the

transaction connected with it, as constituting a compact between the two sections of the country, a part of which was fulfilled in the admission of Missouri, another part in the admission of Arkansas, and other parts of which have been fulfilled in the admission of Iowa, and the organization of Minnesota, but which yet remains to be fulfilled in respect to the Territory of Nebraska, and which, in my judgment, will be violated by the repeal of the Missouri prohibition. That is my judgment. I have no quarrel with Senators who differ with me; but, upon the whole facts of the transaction, however, I have not changed my opinion at all, in consequence of what has been said by the honorable Senator from Illinois. I say that the facts of the transaction taken together, and as understood by the country for more than thirty years, constitute a compact binding in moral force; though, as I have always said, being embodied in a legislative act, it may be repealed by Congress if Congress sees fit.

"Mr. Douglas: Mr. President, I am sorry that the Senator from Ohio has repeated the statement that Missouri came in under the compact which he says was made by the Act of 1820. How many times have I to disprove this statement? Does not the vote to which I have referred show that such was not the case? Does not the fact that there was a necessity for a new compromise show it? Have I not proven it three times over; and is it possible that the Senator from Ohio will repeat it in the face of the record, with the vote staring him in the face, and with the evidence which I have produced? Does he suppose he can make his own people believe that his statement ought to be credited in opposition to the solemn record? I am amazed that the Senator should repeat the statement again unsustained by the fact, by the record, and by the evidence, and overwhelmed by the whole current and weight of the testimony which I have produced.

"The Senator says also that he never intended to do me injustice, and he is sorry that the people of his

State have acted in the manner to which I have referred. Sir, did he not say in the same document to which I have already alluded, that I was engaged, with others, in 'a criminal betrayal of precious rights' in an 'atrocious plot?' Did he not say that I and others were guilty of 'meditated bad faith?' Are not these his exact words? Did he not say that 'servile demagogues' might make the people believe certain things or attempt to do so? Did he not say every thing calculated to produce and bring upon my head all the insults to which I have been subjected publicly and privately—not even excepting the insulting letters which I have received from his constituents, rejoicing at my domestic bereavements, and praying that other and similar calamities may befall me? All these have resulted from that Address. I expected such consequence when I first saw it. In it he called upon the preachers of the Gospel to prostitute the sacred desk in stimulating excesses; and then, for fear that the people would not know who it was that was to be insulted and calumniated, he told them, in a postscript, that Mr. Douglas was the author of all this iniquity, and that they ought not to allow their rights to be made the hazard of a presidential game! After having used such language, he says he meant no disrespect—he meant nothing unkind! He was amazed that I said in my opening speech that there was any thing offensive in this Address, and he could not suffer himself to use harsh epithets, or to impugn a gentleman's motives! No! Not he! After having deliberately written all these insults, impugning motive and character, and calling upon our holy religion to sanctify the calumny, he could not think of loisng his dignity by bandying epithets, or using harsh and disrespectful terms!

"Mr. President, I expected all that has occurred, and more than has come, as the legitimate result of that Address. The things to which I referred are the natural consequences of it. The only revenge I seek is to ex-

pose the authors, and leave them to bear, as best they may, the just indignation of an honest community, when the people discover how their sympathies and feelings have been outraged, by making them the instruments in performing such desperate acts. Sir, even in Boston I have been hung in effigy. I may say that I expected it to occur even there, for the Senator from Massachusetts lives there. He signed his name to that Address, and for fear the Boston Abolitionists would not know that it was he, he signed it 'Charles Sumner, Senator from Massachusetts.' The first outrage was in Ohio, where the Address was circulated under the signature of 'Salmon P. Chase, Senator from Ohio.' The next came from Boston—the same Boston, sir, which under the direction of the same leaders, closed Faneuil Hall to the immortal Webster in 1850, because of his support of the compromise measures of that year, which all now confess have restored peace and harmony to a distracted country. Yes, sir; even Boston, so glorious in her early history; Boston, around whose name so many historical associations cling to gratify the heart and exalt the pride of every American, could be led astray by Abolition misrepresentations so far as to deny a hearing to her own great man who has shed so much glory upon Massachusetts and her metropolis! I know that Boston now feels humiliated and degraded by the act. And, sir (addressing himself to Mr. Sumner), you will remember that when you came into the Senate, and sought an opportunity to put forth your Abolition incendiarism, you appealed to our sense of justice by the sentiment 'Strike, but hear me first.' But when Mr. Webster went back in 1850 to speak to his constituents, in his own self-defense, to tell the truth, and to expose his slanderers, you would not hear him, but *you struck first!*

"Again, sir, even Boston, with her Faneuil Hall consecrated to liberty, was so far led astray by Abolitionism, that when one of her gallant sons, gallant by his own

glorious deeds, inheriting a heroic Revolutionary name, had given his life to his country, upon the bloody field of Buena Vista, and when his remains were brought home, even that Boston, under Abolition preaching, denied him a decent burial, because he lost his life in vindicating his country's honor upon the Southern frontier? Even the name of Lincoln could not secure for him a decent interment, because Abolitionism follows a patriot beyond the grave. (Applause in the galleries.)

"The Presiding Officer (Mr. Mason in the chair): Order must be preserved.

"Mr. Douglas: Mr. President, with these facts before me, how could I hope to escape the fate which had followed these great and good men? While I had no right to hope that I might be honored as they had been under Abolition auspices, have I not a right to be proud of the distinction and the association? Mr. President, I regret these disgressions. I have not been able to follow the line of argument which I had marked out for myself, because of the many interruptions. I do not complain of them. It is fair that gentlemen should make them, inasmuch as they have not the opportunity of replying; hence, I have yielded the floor, and propose to do so cheerfully, whenever any Senator intimates that justice to him or his position requires him to say any thing in reply.

"Returning to the point from which I was diverted:

"I think I have shown, that if the act of 1820, called the Missouri Compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and the repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the

speeches against this bill, and, if I recollect right, it was alluded to in the Abolition manifesto; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The Senator from New York (Mr. Seward) has seized upon this insinuation, and elaborated it, perhaps, more fully than his compeers; and now the Abolition press suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri Compromise of 1820.

"Now, Mr. President, does not each of these Senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House, of which he was a member? Do they not know that Mr. Clay never came into the Missouri controversy as a compromiser until after the Compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you to call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question?

"Mr. Seward: Will the Senator allow me a moment?

"Mr. Douglas: Certainly.

"Mr. Seward: In the year of 1851 or 1852, I think 1851, a medal was struck, in honor of Henry Clay, of gold, which cost a large sum of money, which contained eleven acts of the life of Henry Clay. It was presented to him by a committee of citizens of New York, by whom it had been made. One of the eleven acts of his life which was celebrated on that medal, which he accepted,

was the Missouri Compromise of 1820. This is my answer.

"Mr. Douglas: Are the words 'of 1820' upon it?

"Mr. Seward: It commemorates the Missouri Compromise.

"Mr. Douglas: Exactly. I have seen that medal; and my recollection is that it does not contain the words 'of 1820.' One of the great acts of Mr. Clay was the Missouri Compromise, but what was the Missouri Compromise? Of course, the one which Henry Clay made, the one which he negotiated, the one which brought Missouri into the Union, and which settled the controversy. That was the act of 1821, and not the act of 1820. It tends to confirm the statement which I have made. History is misread and misquoted, and these statements have been circulated and disseminated broadcast through the country, concealing the truth. Does not the Senator know that Henry Clay, when occupying that seat in 1850 (pointing to Mr. Clay's chair), in his speech of the 6th of February of that year, said that nothing had struck him with so much surprise as the fact that historical circumstances soon passed out of recollection; and he instanced, as a case in point, the error of attributing to him the act of 1820. (Mr. Seward nodded assent.) The Senator from New York says that he does remember that Mr. Clay did say so. If so, how is it, then, that he presumes now to rise and quote that medal as evidence that Henry Clay was the author of the act of 1820?

"Mr. Seward: I answer the Senator in this way: That Henry Clay, while he said he did not disavow or disapprove of that compromise, transferred the merit of it to others who were more active in procuring it than he, while he had enjoyed the praise and the glory which were due from it.

"Mr. Douglas: To that I have only to say that it can not be the reason; for Henry Clay, in that same speech, did take to himself the merit of the Compromise

of 1821, and hence it could not have been modesty which made him disavow the other. He said he did not know whether he had voted for the act of 1820 or not; but he supposed that he had done so. He furthermore said that it did not originate in the House of which he was a member, and that he never did approve of its principles; but that he may have voted, and probably did vote, for it, under the pressure of the circumstances.

"Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850, which mortified the Senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact, an irrepealable compact. Evidently the distinguished Senator from Massachusetts (Mr. Everett) supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the 7th of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrepealable law. The Senator says, that by the expression 'irrepealable law,' Mr. Webster meant to include the Compromise of 1820. Now, I will show that this was not Mr. Webster's meaning—that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrepealable law. Mr. Webster said in that speech, that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrepealable law. He then inquired if it was not so in regard to Texas? He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting, and that there was a valuable consideration; and hence, he contended, that in that case there was a

contract binding in honor and morals and law; and that it was irrepealable without a breach of faith.

"He went on to say:

" 'Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas —I mean the law of nature—of physical geography—the law of the formation of the earth.'

"That was the irrepealable law which he said prohibited slavery in the Territories of Utah and New Mexico. He went on to speak of the prohibition of slavery in Oregon, and he said it was an 'entirely useless, and, in that connection, senseless proviso.'

"He went further, and said:

" 'That the whole territory of the States in the United States, or in the newly acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which can not be repealed in the case of Texas without a violation of public faith, and can not be repealed by any human power in regard to California or New Mexico; that under one or other of these laws, every foot of territory in the States, or in the territories, has now received a fixed and decided character.'

"What irrepealable laws? 'One or the other' of those which he had stated. One was the Texas compact; the other, the law of nature and physical geography; and he contended that one or the other fixed the character of the whole American Constitution for freedom or for slavery. He never alluded to the Missouri Compromise, unless it was by the allusion to the Wilmot proviso in the Oregon bill, and there he said it was a useless and a senseless thing? Because it was re-enacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. My distinguished friend from Massachusetts (Mr. Everett), when he reads the speech again, will be utterly amazed to see how he fell into such an egregious error as to suppose that Mr. Webster had so

far fallen from his high position as to say that the Missouri act of 1820 was an irrepealable law. . . .

"What law did he refer to when he spoke of 'one or the other of these laws?' He had named but two—the Texas compact and the law of nature, of climate, and physical geography, which excluded slavery. He had mentioned none other; and yet he says 'one or other' prohibited slavery in all the States or territories—thus including Nebraska, as well as Utah and New Mexico.

"Mr. Everett: That was not drawn in question at all.

"Mr. Douglas: Then if it was not drawn in question, the speech should not have been quoted in support of the Missouri Compromise. It is just what I complain of, that, if it was not thus drawn in question, that use ought not to have been made of it. Now, Mr. President, it is well known that Mr. Webster supported the Compromise measures of 1850, and the principle involved in them, of leaving the people to do as they pleased upon this subject. I think, therefore, that I have shown that these gentlemen are not authorized to quote the name either of Mr. Webster or Mr. Clay in support of the position which they take, that this bill violates the faith of compacts. Sir, it was because Mr. Webster went for giving the people in the territories the right to do as they pleased upon the subject of slavery, and because he was in favor of carrying out the Constitution in regard to fugitive slaves, that he was not allowed to speak in Faneuil Hall.

"Mr. Everett: That was not my fault.

"Mr. Douglas: I know it was not; but I say it was because he took that position—it was because he did not go for a prohibition policy—it was because he advocated the same principles which I now advocate—because he went for the same provisions in the Utah bill which I now sustain in this bill, that Boston Abolitionists turned their back upon him, just as they burnt me in effigy. Sir, if identity of principle—if identity of support as

friends—if identity of enemies—fix Mr. Webster's position, his authority is certainly with us, and not with the Abolitionists. I have a right, therefore, to have the sympathies of his Boston friends with me, as I sympathized with him when the same principle was involved. . . .

"Mr. President, frequent reference has been made in debate to the admission of Arkansas as a slave-holding State, as furnishing evidence that the Abolitionists and Free-soilers, who have recently become so much enamored with the Missouri Compromise, have always been faithful to its stipulations and implications. I will show that the reference is unfortunate for them. When Arkansas applied for admission in 1836, objection was made in consequence of the provisions in her Constitution in respect to slavery. When the Abolitionists and Free-soilers of that day were arraigned for making that objection, upon the ground that Arkansas was south of 36° 30′, they replied that the act of 1820 was never a compromise, much less a compact, imposing any obligation upon the successors of those who passed the act to pay any more respect to its provisions than to any other enactment of ordinary legislation. I have the debates before me, but will occupy the attention of the Senate only to read one or two paragraphs. Mr. Hand, of New York, in opposition to the admission of Arkansas as a slave-holding State, said:

"'I am aware it will be, as it has already been, contended that by the Missouri Compromise, as it has been preposterously termed, Congress has parted with its right to prohibit the introduction of slavery into the territory south of 36° 30′ north latitude.'

"He acknowledged that by the Missouri Compromise, as he said it was preposterously termed, the North was stopped from denying the right to hold slaves south of that line; but, he added:

"'There are, to my mind, insuperable objections to the soundness of that proposition.'

"Here they are:

"'In the first place, there was no compromise or compact whereby Congress surrendered any power, or yielded any jurisdiction; and in the second place, if it had done so, it was a mere legislative act, that could not bind their successors; it would be subject to a repeal at the will of any succeeding Congress.'

"I give these passages as specimens of the various speeches made in opposition to the admission of Arkansas by the same class of politicians who now oppose the Nebraska bill, upon the ground that it violates a solemn compact. So much for the speeches. Now for the vote. The Journal, which I hold in my hand, shows that forty-nine Northern votes were recorded against the admission of Arkansas.

"Yet, sirs, in utter disregard—and charity leads me to hope, in profound ignorance—of all these facts, gentlemen are boasting that the North always observed the contract, never denied its validity, never wished to violate it; and they have even referred to the cases of the admission of Missouri and Arkansas as instances of their good faith.

"Now, is it possible that gentlemen could suppose these things could be said and distributed in their speeches without exposure? Did they presume that, inasmuch as their lives were devoted to slavery agitation, whatever they did not know about the history of that question did not exist? I am willing to believe, I hope it may be the fact, that they were profoundly ignorant of all these records, all these debates, all these facts, which overthrow every position they have assumed. I wish the Senator from Maine (Mr. Fessenden), who delivered his maiden speech here to-night, and who made a great many sly stabs at me, had informed himself upon the subject before he repeated all these groundless assertions. I can excuse him for the reason that he has been here but a few days, and, having enlisted under the banner of the Abolition confederates, was unwise

and simple enough to believe that what they had published could be relied upon as stubborn facts. He may be an innocent victim. I hope he can have the excuse of not having investigated the subject. I am willing to excuse him on the ground that he did not know what he was talking about, and it is the only excuse which I can make for him. I will say, however, that I do not think he was required, by his loyalty to the Abolitionists, to repeat every disreputable insinuation which they made. Why did he throw into his speech that foul innuendo about 'a Northern man with Southern principles,' and then quote the Senator from Massachusetts (Mr. Sumner) as his authority? Aye, sir, I say that foul insinuation. Did not the Senator from Massachusetts, who first dragged it into this debate, wish to have the public understand that I was known as a Northern man with Southern principles? Was not that the allusion? If it was, he availed himself of a cant phrase in the public mind, a violation of the truth of history. I know of but one man in this country who ever made it a boast that he was 'a Northern man with Southern principles,' and he (turning to Mr. Sumner) was your candidate for the Presidency in 1848. (Applause in the galleries.)

"The presiding officer (Mr. Mason): Order, order.

"Mr. Douglas: If his sarcasm was intended for Martin Van Buren, it involves a family quarrel, with which I have no disposition to interfere. I will only add that I have been able to discover nothing in the present position or recent history of that distinguished statesman which would lead me to covet the soubriquet by which he is known—'A Northern man with Southern principles.'

"Mr. President, the Senators from Ohio and Massachusetts (Mr. Chase and Mr. Sumner) have taken the liberty to impeach my motives in bringing forward this measure. I desire to know by what right they arraign

me, or by what authority they impute to me other and different motives than those which I have assigned. I have shown from the record that I advocated and voted for the same principles and provisions in the Compromise of 1850, which are embraced in this bill. I have proven that I put the same construction upon these measures immediately after their adoption that is given in the report which I submitted this session from the Committee on Territories. I have shown that the Legislature of Illinois, at its first session, after these measures were enacted, passed resolutions approving them, and declaring that the same great principle of self-government should be incorporated into all territorial organizations. Yet, sir, in the face of these facts, these Senators have the hardihood to declare that this was all an 'afterthought' on my part, conceived for the first time during the present session; and that the measure is offered as a bid for Presidential votes! Are they capable of conceiving that an honest man can do a right thing from worthy motives? I must be permitted to tell those Senators that their experience in seeking political preferment does not furnish a safe rule by which to judge the character and principles of other Senators! I must be permitted to tell the Senator from Ohio that I did not obtain my seat in this body either by a corrupt bargain or a dishonorable coalition! I must be permitted to remind the Senator from Massachusetts that I did not enter into any combinations or arrangements by which my character, my principles, and my honor, were set up at public auction or private sale in order to procure a seat in the Senate by any such means!

"Mr. Weller: But there are some men whom I know that did.

"Mr. Chase (to Mr. Weller): Do you say that I came here by a bargain?

"The presiding officer, Mr. Mason: Order must be preserved in the Senate.

"Mr. Weller: I will explain what I mean.

"The presiding officer: The Senator from Illinois is entitled to the floor.

"Mr. Dodge, of Iowa: I call both the Senator from California and the Senator from Ohio to order.

"Mr. Douglas: I can not yield the floor until I get through. I say, then, there is nothing which authorized that Senator to impugn my motives.

"Mr. Chase: Will the Senator from Illinois allow me? Does he say that I came into the Senate by a corrupt bargain?

"Mr. Douglas: I can not permit the Senator to change the issue. He has arraigned me on the charge of seeking high political station by unworthy means. I tell him there is nothing in my history which would create the suspicion that I came into the Senate by a corrupt bargain or a disgraceful coalition.

"Mr. Chase: Whoever says that I came here by a corrupt bargain states what is false.

"Mr. Weller: Mr. President—

"Mr. Douglas: My friend from California will wait till I get through, if he pleases.

"The presiding officer: The Senator from Illinois is entitled to the floor.

"Mr. Douglas: It will not do for the Senator from Ohio to return offensive expressions after what I have said and proven. Nor can I permit him to change the issue, and hereby divert public attention from the enormity of his offense, in charging me with unworthy motives, while performing a high public duty, in obedience to the expressed wish and known principles of my State. I choose to maintain my own position, and leave the public to ascertain, if they do not understand, how and by what means he was elected to the Senate.

"Mr. Chase: If the Senator will allow me, I will say, in reply to the remarks which the Senator has just made, that I did not understand him as calling upon me for an explanation of the statement which he said

was made in regard to a presidential bid. The exact statement in the Address was this—it was a question addressed to the people: 'Would they allow their dearest rights to be made the hazards of a presidential game?' That was the exact expression, Now, sir, it is well known that all these great measures in the country are influenced, more or less, by reference to the great public canvasses which are going on from time to time. I certainly did not intend to impute to the Senator from Illinois—and I desire always to do justice—in that any improper motive. I do not think it is an unworthy ambition to desire to be a President of the United States. I do not think that the bringing forward of a measure with reference to that object would be an improper thing if the measure be proper in itself. I differ from the Senator in my judgment of the measure. I do not think the measure is a right one. In that I express the judgment which I honestly entertain. I do not condemn his judgment; I do not make, and I do not desire to make, any personal imputations upon him in reference to a great public question.

"Mr. Weller: Mr. President—

"Mr. Douglas: I can not allow my friend from California to come into the ring at this time, for this is my particular business. I may let him in after a while. I wish to examine the explanation from the Senator from Ohio, and see whether I ought to accept it as satisfactory. He has quoted the language of the Address. It is undeniable that that language clearly imputed to me the design of bringing forward this bill with a view of securing my own election to the presidency. Then, by way of excusing himself for imputing to me such a purpose, the Senator says that he does not consider it 'an unworthy ambition;' and hence he says that in making the charge he does not impugn my motives. I must remind him, that in additien to that insinuation, he only said, in the same Address, that my bill was a 'criminal betrayal of precious rights;' he only

said it was 'an atrocious plot against freedom and humanity;' he only said that it was 'meditated bad faith;' he only spoke significantly of 'servile demagogues;' he only called upon the preachers of the Gsopel and the people at their public meetings to denounce and resist such a monstrous iniquity. In saying all this, and much of the same sort, he now assures me, in the presence of the Senate, that he did not mean the charge to imply an 'unworthy ambition;' that it was not intended as a 'personal imputation' upon my motives or character—and that he meant 'no personal disrespect' to me as the author of the measure. In reply, I will content myself with the remark, that there is a very wide difference of opinion between the Senator from Ohio and myself in respect to the meaning of words, and especially in regard to the line of conduct, which, in a public man, does not constitute an unworthy ambition.

"Mr. Weller: Now, I ask my friend from Illinois to give way to me for a few moments.

"Mr. Douglas: I yield the floor.

"Mr. Weller: I made a remark which no doubt gave cause to this digression in the argument of the Senator from Illinois. I presume that I know the circumstances under which the Senator from Ohio was elected to this body. I intimated them in the expression of opinion which I gave a few moments ago. I do not know that the Senator was elected here under a compromise, or an agreement or an express bargain. I entertain no personal feeling of ill-will against that Senator, however little respect I may have for his political opinions. I propose to state some facts, however, connected with his election, and leave others to decide how far they constitute a bargain.

"Mr. Douglas: I do not complain of my friend from California for interposing in the manner he has; for I see that it was very appropriate in him to do so. But, sir, the Senator from Massachusetts comes up with a very bold front, and denies the right of any man to

put him on defense for the manner of his election. He says it is contrary to his principles to engage in personal assaults. If he expects to avail himself of the benefit of such a plea, he should act in accordance with his professed principles, and refrain from assaulting the character and impugning the motives of better men than himself. Every body knows that he came here by a coalition or combination between political parties hold-opposite and hostile opinions. But it is not my purpose to go into the morality of the matters involved in his election. The public know the history of that notorious coalition, and have formed its judgment upon it. It will not do for the Senator to say that he was not a party to it, for he hereby betrays a consciousness of the immorality of the transaction, without acquitting himself of the responsibilities which justly attach to him. As well as might the receiver of stolen goods deny any responsibility for the larceny, while luxuriating in the proceeds of the crime, as the Senator avoid the consequences resulting from the mode of his election, while he clings to the office. I must be permitted to remind him of what he certainly can never forget, that when he arrived here to take his seat for the first time, so firmly were Senators impressed with the conviction that he had been elected by dishonorable and corrupt means, there were very few who, for a long time, could deem it consistent with personal honor, to hold private intercourse with him. So general was that impression, that for a long time he was avoided and shunned as a person unworthy of the association of gentlemen. Gradually, however, these injurious impressions were worn away by his bland manners and amiable deportment; and I regret that the Senator should now, by a violation of all the rules of courtesy and propriety, compel me to refresh his mind upon these unwelcome reminiscences.

"Mr. Chase: If the Senator refers to me, he is stating a fact of which I have no knowledge at all. I came here—

"Mr. Douglas: I was not speaking of the Senator

from Ohio, but of his confederate in slander, the Senator from Massachusetts (Mr. Sumner). I have a word now to say to the other Senator from Ohio (Mr. Wade). On the day when I exposed this Abolition Address, so full of slanders and calumnies, he rose and stated, that although his name was signed to it he had never read it; and so willing was he to indorse an Abolition document, that he signed it in blank, without knowing what it contained.

"Mr. Wade: I have always found them true.

"Mr. Douglas: He stated that from what I had exposed of its contents he did not hesitate to indorse every word. In the same speech he said that in Ohio a negro was as good as a white man; with the avowal that he did not consider himself any better than a free negro. I have only to say that I should not have noticed it if none but free negroes had signed it:

"The Senator from New York (Mr. Seward), when I was about to call him to account for his slanderous production, promptly denied that he ever signed the document. Now, I say, it has been circulated with his name attached to it; then I want to know of the Senators who sent out the document, who forged the name of the Senator from New York?

"Mr. Chase: I am glad that the Senator has asked that question. I have only to say, in reference to that matter, that I have not the slightest knowledge in regard to the manner in which various names were appended to that document. It was prepared to be signed, and was signed, by the gentlemen here who are known as independent Democrats, and how any other names came to be added to it is more than I can tell.

"Mr. Douglas: It is not a satisfactory answer, for those who confess to the preparation and publication of a document filled with insult and calumny, with forged names attached to it for the purpose of imparting to it respectability, to interpose a technical denial that they committed a crime. Somebody did forge other people's

names to the document. The Senators from Ohio and Massachusetts (Mr. Chase and Mr. Sumner) plead guilty to the authorship and publication; upon them rests the responsibility of showing who committed the forgery.

"Mr. President, I have done with these personal matters. I regret the necessity which compelled me to devote so much time to them. All I have done and said has been in the way of self defense, as the Senate can bear me witness.

"Mr. President, I have also occupied a good deal of time in exposing the cant of these gentleman about the sanctity of the Missouri Compromise, and the dishonor attached to the violation of plighted faith. I have exposed these matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri Compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people.

"This eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

"Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignity in obedience to the Constitution? They know full well that this was the principle upon which the colonies separated from the crown of Great Britain; the principle

upon which the battles of the Revolution were fought, and the principle upon which our Republican system was founded. They can not be ignorant of the fact, that the Revolution grew out of the assertion of the right on the part of the imperial government to interfere with the internal affairs and domestic concerns of the colonies. In this connection I will invite attention to a few extracts from the instructions of the different colonies to their delegates in the Continental Congress, with a view of forming such a Union as would enable them to make successful resistance to the efforts of the crown to destroy the fundamental principle of all free government by interfering with the domestic affairs of the colonies.

"I will begin with Pennsylvania, whose devotion to the principles of human liberty and the obligations of the Constitution has acquired for her the proud title of the Keystone in the arch of Republican States. In her instructions is contained the following reservation:

" 'Reserving to the people of this colony the sole and exclusive right of regulatiug the internal government and police of the same.'

"And, in a subseqent instruction, in reference to suppressing the British authority in the colonies, Pennsylvania uses the following emphatic language:

" 'Unanimously declare our willingness to concur in a vote of the Congress declaring the united colonies free and independent States, provided the forming the government and the regulation of the internal police of this colony be always reserved to the people of the said colony.'

"Connecticut, in authorizing her delegates to vote for the Declaration of Independence, attached to it the following condition:

" 'Saving that the administration of government, and the power of forming governments for, and the regulation of the internal concerns and police of each colony, ought to be left and remain to the respective colonial legislatures.'

"New Hampshire annexed this proviso to her instructions to her delegates to vote for Independence:

"'Provided the regulation of our internal police be under the direction of our own assembly.'

"New Jersey imposed the following condition:

"'Always observing, that whatever plan of confederacy you enter into, the regulating the internal police of this province is to be reserved to the colonial legislature.'

"Maryland gave her consent to the Declaration of Independence upon the condition contained in this proviso:

"'And that said colony will hold itself by the resolutions of a majority of the united colonies in the premises, provided the sole and exclusive right of regulating the internal government and police of that colony be reserved to the people thereof.'

"Virginia annexed the following condition to her instructions to vote for the Declaration of Independence:

"'Provided that the power of forming government for, and the regulations of the internal concerns of the colony, be left to the respective colonial legislatures.'

"I will not weary the Senate by multiplying evidence upon this point. It is apparent that the Declaration of Independence had its origin in the violation of that great fundamental principle which secured to the people of the colonies the right to regulate their own domestic affairs in their own way; and that the Revolution resulted in the triumph of that principle and the recognition of the right asserted by it. Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this principle to the territories, but insist upon fastening the prohibition upon all the States to be formed out of those territories. Therefore, the doctrine of the Abolitionists—the doctrine of the opponents of the Nebraska and

Kansas bill, and of the advocates of the Missouri restriction—demand congressional interference with slavery, not only in the territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the territories and new States of this Union, which the British government attempted to enforce by the sword upon the American colonies. It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people, and escape detection, for any considerable length of time, under the catch words 'Missouri Compromise' and 'faith of compacts,' they will find that the people of this country have more penetration and intelligence than they have given them credit for.

"Mr. President, there is an important fact connected with this slavery regulation, which should never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the territories and new States formed therefrom. Is it not wise then to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and territory, according to the wishes of the people thereof, in conformity to the forms, and in subjection to the provisions of, the Constitution?

The opponents of the bill tell us that agitation is no

part of their policy; that their great desire is peace and harmony; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure! Let me ask these professed friends of peace, and avowed enemies of agitation, how the issue could have been avoided? They tell me that I should have let the question alone; that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law. How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and can not be postponed. It is a case in which the 'let-alone' policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

"You can not fix bounds to the onward march of this great and growing country. You can not fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you can not check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event which you can not avoid. I tell you, sir, you must provide for continuous lines of settlement from the Mississippi Valley to the Pacific Ocean. And in making this provision you must decide upon what principles the territories shall be organized; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or

whether the opposite doctrine of congressional interference is to prevail. Postpone it, if you will; but whenever you do act, this question must be met and decided.

"The Missouri Compromise was interference; the Compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility, regardless of consequences personal to myself. I should have done the same thing last year, if there had been time; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully and to prepare a report upon the subject. I was, therefore, persuaded by friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper. The bill was never taken up for action—the last night of the session having been exhausted in debate on a motion to take up the bill. This session, the measure was introduced by my friend from Iowa (Mr. Dodge), and referred to the Territorial Committee during the first week of the session. We have had abundance of time to consider the subject; it was a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

"There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations. If, in the language of the report of the committee, you withdraw the slavery question from the halls of Congress and the political arena, and com-

mit it to the arbitrament of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done, on the bank, tariff, distribution, or any other party issue which has existed, or may exist after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union—in each State, county, village, and neighborhood—residing together in harmony and good-fellowship, and combating each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every portion of this wide-spread Republic, adds an overwhelming and irresistible moral weight to the strength of the Confederacy. Affection for the Union can never be alienated or diminished by any other party issues than those which are joined upon sectional or geographical lines. When the people of the North shall all be rallied under one banner, and the whole South marshaled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the States and territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what State or section of the Union he comes.

"Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new territorial organizations? Why can we not deprive these agitators of their vocation, and render it impossible for Senators to come here upon bargains on the slavery question? I

believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they see proper in respect to their own internal affairs.

"Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those territories, and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the rights of no State or territory; but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

"Now, sir, I wish to say to our Southern friends, that if they desire to see this great principle carried out, now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of interference to prevail, upon their heads the consequences of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward, they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the territories. The South has vindicated her sincerity, her honor, on that point, by bringing forward a provision negativing, in express terms,

any such effect as a result of this bill. I am rejoiced to know that, while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced comes from a slave-holding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconstruction.

"Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propriety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable in some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles have been fully developed, and become well understood. The people at the North are attached to the principles of self-government, and you can not convince them that that is self-government which deprives a people of legislating for themselves, and compels them to receive laws which are forced upon them by a legislature in which they are not represented. We are willing to stand upon this great principle of self-government every-where; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and vice versa. No enemy of the bill has used an argument which would bear repetition one mile across Mason and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the

bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union."[1]

At ten minutes to five o'clock A. M., the vote was taken on the Kansas-Nebraska bill, and it passed by 37 to 14.

"*Yeas*—Messrs. Adams, Atchison, Badger, Bayard, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toucey, Weller, and Williams—37.

"*Nays*—Messrs. Bell, Chase, Dodge of Wisconsin, Fessenden, Fish, Foote, Hamlin, Houston, James, Seward, Smith, Sumner, Wade, Walker—14."[2]

At five minutes to five o'clock, after a continuous session of seventeen hours, the Senate adjourned.

The bill was entitled, "An act to organize the Territories of Nebraska and Kansas," and was sent to the House for its concurrence on March 7th.

On the 21st, on the motion of Mr. Cutting, of New York, it was referred to the Committee of the Whole on the State of the Union, which proceeding, its friends claimed, was designed to kill the bill, as many others were ahead of it and it could be delayed indefinitely, but which Mr. Cutting insisted was only for the purpose of its free discussion. He said:

"Mr. Speaker, I say that, if men at the North will throw aside their fanaticism, their prejudice, and their political aspirations, and will stop for a moment their noisy agitation, and give to this bill a fair and candid examination, they must irresistibly come to the conclu-

[1] App. Cong. Globe, Vol. 29, pp. 329–338.
[2] Cong. Globe, Vol. 28, p. 532.

sion that it is, in its results, and in the future, the best measure for the North that has ever been tendered. It is the South that will find, in the long run, that, so far from being beneficial to them, it will be, when applied to future acquisitions, the most fatal measure that, as yet, has been proposed, assuming that the Badger proviso is retained. It is eminently a measure favorable to the North; and, upon a full and fair discussion, in my humble judgment, it can be proved to be so.

"But the gentleman from Illinois says that if the bill be referred to the Committee of the Whole on the State of the Union, we shall never be able to reach it. Why, sir, we all know that when we are in Committee of the Whole, by a bare simple majority of votes, every bill upon the calendar preceding it may be laid aside until we reach it; and surely, if there is not strength enough to command a majority in Committee of the Whole to lay aside other bills for the purpose of taking up this one, it is idle and a loss of time to discuss it elsewhere.

"Sir, this has become a grave and serious question. How it happened to become so, is a matter of no consequence for us now to inquire or examine into, but since its introduction into Congress, the North would seem to have taken up arms, and to have become excited into a sort of civil insurrection. Nevertheless, the principle of non-intervention by Congress, in the matter of slavery, and the right of the people of the territories to frame their own laws, are sound and just. Therefore it is that I desire full discussion, and above all, that when we deal with a subject which enlists the sympathies and feelings of men so deeply, we should avoid every thing like the appearance of legislative management, or of parliamentary tactics. They do not belong to a case of this magnitude. They disparage it, and detract from its character; they give rise to unjust suspicions of unfair play, and there are enough of them abroad already.

I say, therefore, that we must have full, frank, and candid discussions.'"[1]

Some very bitter passages occurred in reference to this matter between Mr. Cutting and John C. Breckinridge, of Kentucky; and such were the differences among the friends of the bill, or possibly its enemies, that it was the 8th of May when Mr. Richardson, of Illinois, finally got the Senate bill before the House, in shape of a substitute for the House bill, but with the Clayton amendment left out.

On the 22d of May it passed the House, by 113 to 100—

"Yeas—Messrs. Abercombie, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayley, Barksdale, Barry, Bell, Bocock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Cox, Cragie, Cumming, Cutting, John C. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eddy, Edmundson, John M. Elliot, English, Faulkner, Florence, Goode, Green, Greenwood, Gray, Hamilton, Sampson W. Harris, Hendricks, Henn, Hibbard, Hill, Hillyer, Houston, Ingersol, George W. Jones, J. Glancy Jones, Roland Jones, Kerr, Kidwell, Kurtz, Lamb, Lane, Latham, Letcher, Lilly, Lindley, Macdonald, McDougal, McNair, Maxwell, May, John G. Miller, Smith Miller, Olds, Mordecai, Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Preston, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smith, Snodgrass, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, Stuart, John J. Taylor, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Warren, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright and Zollicoffer—113.

"Nays—Messrs. Ball, Bank, Belcher, Bennett, Benson,

[1] Cong. Globe, Vol. 28, p. 702.

Benton, Bugg, Campbell, Carpenter, Chandler, Crocker, Cullom, Curtis, Thomas Davis, Dean, Dewitt, Dick, Dickerson, Drum, Eastman, Edgerton, Edmands, Thomas D. Elliot, Ellison, Etheridge, Everhart, Farley, Fenton, Flagler, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hastings, Haven, Hiester, Howe, Hughes, Hunt, Johnson, Jones, Kittredge, Knox, Lindsley, Lyon, McCulloch, Mace, Matteson, Mayall, Meacham, Middleswarth, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, Puryear, David Ritchie, Thomas Ritchey, Rogers, Russell, Sabin, Sage, Sapp, Seymour, Simmons, Skelton, Gerritt Smith, Hestor L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Upham, Wade, Walley, Elihu B. Washburne, Isreal Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler and Yates—100."[1]

The announcment of the vote was received amid great excitement; and with "prolonged clapping of hands and hissing, both in House and galleries."

The speeches in the House were so mnch in line with those in the Senate that it seems unnecessary to give them. One however, of Mike Walsh, of New York, is so unique as to repay one for the trouble of reading it.

"Sir, the history of the Missouri Compromise, I shall, as I said before, not attempt to discuss. I care not what proud array of names may be now brought forward to give sancity to, or perpetuate its existence. It is enough for me to know that its enactment was a violation, and a gross one, of the Constitution of the United States. If it were a compromise at all, it was a compromise of that glorious instrument.

"The course pursued by the opponents of this bill is

[1] Cong. Globe, Vol. 28, p. 1254.

well known to every man throughout the land. The hurried and imperious manner in which it was sent to the Committee of the Whole, under the spur of the previous question, without an opportunity of saying one word in reply—without the opportunity of asking a single question—is well known. When this act was done, then came the exultation of all the Federalists and Abolitionists, from one end of the country to the other, over the supposed death of the Kansas and Nebraska bill.

"What a change came over the spirit of those gentlemen, when they saw that bill quietly, without any ostentation, without any underhand, sneaking, or unmanly advantage, rescued from the oblivion to which they thought to have effectually consigned it! What their consternation when they heard a notice given here by a gentleman who had the matter in charge, that on a certain day he would move to take it up; and then heard him state the purpose of the motion which he would make!

"What then was the course of the opponents of this bill after it was extricated? Here we sat up for thirty-six hours in a parliamentary contest unprecedented almost in our legislative history.

"I do not know but that the physical endurance of that contest may have been a very great trial to some gentlemen, but to one who had gone through the drilling which I have, it was a source of infinite amusement. (Laughter.) Sir, thirty-six hours to a person who had slept in engine bunk houses, and gone through the 'coffee and cake shop' test, seeing who could sit up the latest and longest, it was a matter of refreshing amusement; while I saw those who were the loudest and most determined to sit it out, stretched out, and covered up with cloaks and shawls.

"And we have heard about the trumpet voice of the people.

"Sir, from whence come these trumpet-tones of the people of which gentlemen speak? Trumpet-tones!

They would be far better characterized as penny-whistle screeches. (Laughter.) I know the men who have figured in these meetings at the North. I knew them when they exhibited the same hostility to the annexation of Texas. Others, who have known them longer than I have, have known them in their opposition to every single solitary stride that the Democratic party has made in its onward march; every effort it has made to advance the prosperity and glory of this noble country; other men have known them in their inveterate opposition to every square inch or acre of territory which has been added to the Republic since the formation of the Government. And, sir, this opposition now comes from the same source. It comes from men whose object is to revolutionize the land. I know them—a set of peanut agitators and Peter Funk philanthropists. Revolutionize! Why, ten thousand of them could not revolutionize a barber shop or an oyster box. (Loud and prolonged laughter.) Now, gentlemen, this is no subject of laughter. (Renewed laughter.)

"Whenever you hear of meetings called irrespective of party, it simply means a congregation of all the factions throughout the land, who hate and detest the success of the Democratic party. That is the whole sum and substance of it.

"A man can be a man of education without being drilled through college. It is far better to know the men among whom one lives, than to know of men who have been dead three thousand years. If I am deficient in classical lore, I am pretty well booked up in the rascality of the age in which we live. (Laughter.) It makes no odds how a man gets up to the roof of a house, whether he climbs by a ladder or goes up some other way. I would not barter away all the practical knowledge I have received in lumber and ship-yards for all the Latin that was ever spoken in ancient Rome. I had rather speak sense in one plain and expressive language, than speak nonsense in fifty. (Laughter.) Mr.

Chairman, how much time have I left, as that appears to be the standing question?" (Laughter).

Being passed as a House-bill, necessitated the return of the Kansas-Nebraska bill to the Senate for its concurrence.

May 24th, Mr. Douglas stated:

"It is sufficient to state that it is precisely the bill which passed the Senate some time ago, with the exception of the amendment adopted upon the motion of the Senator from Delaware (Mr. Clayton). It being the Senate bill, with that isolated exception, it presents no new issue, no new question, and I therefore ask that the Senate may proceed to vote upon it." [1]

Mr. Pearce, however, proposed to renew the Clayton amendment—and a long debate ensued—which gave the opponents of the bill another chance to speak against it. Mr. Bell, of Tennessee, making a speech of great length. To whom Mr. Toombs responded:

"The Senator knows that attempts have been made to get up an excitement in this country on this subject. He knows that there are men who have lived upon its agitation, especially in the Northern portion of the Union—men whose political existence is staked on this agitation—whose desires and hopes can only be realized by inflaming the public mind against it, and defeating this measure. The Senator from Tennessee has become their ally, working to this purpose, aiding in the same result—*to keep this prohibition on his own section*, although high-minded, noble, generous and patriotic men of the North feel and see its injustice and labor for its overthrow. The distinguished Senator from Michigan (Mr. Cass) said it violated the Constitution of his country, and when the question was presented to him, he felt it to be his duty, for that reason, to wipe it from the statute-book. I did not vote for its repeal in order to get any advantage over any portion of this Republic. I

[1] Cong. Globe, Vol. 28, p. 1300.

would scorn myself if I sought an unjust advantage of any State in this Union. I claim no triumph over the North; I would have none. I claim it a triumph of the Constitution, and of right, equality and justice to all the freemen of this great Republic, throughout its utmost limits, from ocean to ocean. I would ask nothing that I would not grant; I would take nothing from the people of the North that they ought not to yield; and therefore, do not consider this bill a triumph of the South against the North. Neither Northern right nor Southern honor is violated by this measure. It is a victory over error, injustice and wrong; a triumph of right, justice and the Constitution. For this triumph the whole country is certainly not less indebted to the genius, the eloquence, the statesmanship of the North than the South; and happy is it for the country that it was thus achieved. This great fact will spread far, and wide, and deep, a feeling of brotherhood throughout this great Republic, and even more than the act itself, tend to perpetuate that sacred bond of true liberty, equality and fraternity—the Constitution. This is my ardent desire, my earnest prayer."[1]

The final vote was taken in the Senate on the 25th of May—and the Kansas-Nebraska bill was the second time victorious—passing by 33 to 13.

It was signed by President Pierce on the 30th, and so became the law of the land.

[1] Cong. Globe, Vol. 28, p. 1311.

CHAPTER XXI.

After the Repeal—Historical mistakes in regard to it—Mr. Seward's alleged misstatement as to its origin and purpose—Hon. Montgomery Blair's letter to Mr. Secretary Welles—Henry C. Whitney's version—Letters from Hon. Robert L. Wilson and Thos. E. McCreery—Mr. Dixon's letter to the St. Louis Republican denying Mr. Seward's statement contained in the Blair letter—Major Whitney's version shown to be incorrect and altogether illogical—Letter from Hon. John C. Bullitt.

The writer has endeavored to give a faithful and true account of the Missouri Compromise and its Repeal. A repeal which was designed by its author to carry out in good faith that great principle of *non-intervention*, which was established in the legislation of 1850.

A principle that had been advocated by Mr. Clay with all the force of his mighty intellect in 1820, when he opposed any restriction by Congress on Missouri, and said, "Equality is equity—if you have the right to compel Missouri to *prohibit* slavery, you have the same right to compel Maine to *admit* slavery."

A principle that was supported by the vote of the same great man, when, as Speaker, during the same session, he gave the deciding vote which prevented the prohibition of slavery by Congress in the Territory of Arkansas.

A principle maintained by Mr. Calhoun in his celebrated Resolutions of 1838, and which Franklin Pierce, then Senator from New Hampshire, voted for and sustained with marked ability.

A principle recommended by Mr. Polk in his last message to Congress, in 1848, as its best rule of conduct in regard to the newly acquired Mexican Territory.

A principle agreed on, in 1850, by Clay and Webster, Whigs, and Cass and Douglas, Democrats, as the only

just, true, equitable and practicable principle; the only principle that could be embraced as a *finality* for the settlement of the dangerous questions which so threatened the peace and union of the States.

A principle which was indorsed in the platforms of both Presidential parties in 1852, and which, in the territorial organization of Kansas and Nebraska in 1854, imperatively required the removal of the act of *intervention*, of 1820, with the right of the settlers in those territories to make their own local laws, and with the further right of the people, of whatever section, to go there with their property, of whatever description.

A principle that was indorsed most heartily by the great body of the American people, and upon which, as embodied in the Kansas-Nebraska bill, James Buchanan was elected President in 1856 by a larger popular majority by several hundred thousand than was Taylor in 1848 or Pierce in 1852.

How this principle was abandoned by Mr. Buchanan in his attempt to force the Le Compton pro-slavery Constitution upon the people of Kansas against the expressed will of the majority of her citizens; how not only this principle, but every principle of loyalty to the Constitution, was abandoned and violated by the Abolitionists in their determined resistance to the execution of the fugitive slave law which was a part of the contract of the Constitution itself, and also in their encouragement and approval of such raids on the South as that of John Brown into Virginia, which was designed for the murder of her citizens and the plunder of their property; how, by such and other violations not only of this great principle, but of the principles of the Constitution itself, the war between the States was brought about seven years later, must be related by a hand and pen more able than the writer's, by one whose sands of life have not run so near the period allotted to mankind, after which the days of the years of his life shall be "few and full of trouble."

How the once glorious Whig party melted away into Know-nothingism or Abolitionism in the North; and Know-nothingism or the Democracy in the South; how the Republican party sprang into existence upon the ruins of the Whig party of the North; all the fierce contests between the Union Democracy, under the lead of Douglas, and the Republicans under the leadership of Seward, Sumner, Chase and Lincoln; the defeat of Douglas and the only real Union party by the defection of Southern Democrats, in 1860, in the nomination of John C. Breckinridge, whose every vote was one taken from Douglas, the only candidate whose election could have preserved peace; the consequent election of Mr. Lincoln, the Republican candidate, to the Presidency, and, as the result, the secession of the Southern States; all this ought to be told more fully, more truly, and more impartially than has yet been done. And whenever it is told fully, impartially, and truly, it will be seen that it was the abandonment of that great principle of non-intervention, not only by those who had opposed it, but by many of those also who had pledged themselves to maintain it, that brought on the terrible war between the States, which wrecked so many fortunes, cost so many lives, and broke so many true hearts, at the North as well as the South.

I have alluded in a previous chapter to the various historical misstatements as to the origin of the repeal of the Missouri Compromise. The plain statement given by me in that chapter refutes all of the charges of plot, intrigue, etc., as included in such works as that of Nicolay and Hay; or of Mr. Blaine, who, I really think, wished to do justice in his relation of the matter; but, like Messrs. Nicolay and Hay and many others of his party, he had accepted theories and statements at second hand to such a degree that he honestly believed his own representation of them to be correct.

There is one of these misstatements, however, which is circumstantial in its details, personal in its reflection,

and slanderous in its character; and it is to this one that I wish to call especial attention. Whilst its author may have been entirely innocent of any intention to falsify, yet to state that which he does not know to be true is, in the eye of the law, to be as guilty as to state that which he knows is not true.

The misstatement to which I allude is made by Major Henry C. Whitney in his book recently published, "Life on the Circuit with Lincoln," and is as follows:

"It is a very singular fact, and one that attests in a marked degree, that

> 'God moves in a mysterious way,
> His wonders to perform,'

that while the original Kansas-Nebraska bill was pending in the Senate, as originally presented by Senator Douglas, without the repeal of the Missouri Compromise as an element, that William H. Seward, then a Whig Senator, approached his friend, Archibald Dixon, likewise a Whig Senator, and proposed to him that he ought to offer an amendment repealing the Missouri Compromise; and that Dixon, after a little reflection, arose and gave notice of his intention to do so on the first parliamentary occasion.

"This alarmed Douglas, who came at once to Dixon's seat and remonstrated with him, but in vain; he believed, as all the Southern statesmen did, that the Missouri Compromise was wrong, and ought to be repealed; and his will was inflexible, although no other Southerner had ever before dreamed of disturbing the Compromise. Even Atchison, the direct representative of the *border ruffian* element, publicly stated that while it was wrong in its inception, yet that it was a finality on that subject; and Douglas had stated that it was canonized in the hearts of the people, and no hand should be so *ruthless* as to disturb it. But when Douglas saw, as a sagacious politician, that the solid South would of necessity support the measure, he desired to link his political destiny

with it and share its fate, which he thought would succeed, and install him in the Executive Mansion; and so it became a party and administration measure, and was also the knell of slavery."

He then gives in a note the following extract from a letter of Montgomery Blair:

"I shall never forget how shocked I was at his (Seward) telling me that he put Archy Dixon, the Whig Senator from Kentucky, in 1854, up to moving the repeal of the Missouri Compromise as an amendment to Douglas' first Kansas bill, and had, himself, forced the repeal by that movement, and had thus brought to life the Republican party. Dixon was to 'out-Herod-Herod' in the South, and he would 'out-Herod-Herod' at the North. He did not contemplate what followed. He did not believe in the passions he excited, because he felt none himself."[1]

The letter of Mr. Blair, from which this extract was made, first appeared in the Galaxy of July, 1873, and formed part of an article written by Mr. Ex-Secretary Gideon Welles on Hon. Wm. H. Seward, and was published some months after Mr. Seward's death. It was one of a series of articles on the members of Mr. Lincoln's Cabinet, and was not at all complimentary to Mr. Seward, representing him as being exceedingly opposed by nature to direct and straightforward action, and always preferring indirect methods. This was the tenor of the article, as also of Mr. Blair's letter.

It happened that I had dropped my subscription to the Galaxy six months before, so did not see the article in it. None of the Kentucky papers alluded to it at all, nor did the Evansville papers, doubtless out of their respect for Mr. Dixon, for he had no warmer friends in Kentucky than were many of the people of Indiana and Illinois; so that he heard nothing of the slander at all

[1] Life on the Circuit with Lincoln, pp. 380, 381.

until in November, when he received the following letter, the writer of which has my everlasting gratitude:

"CAPE GIRARDEAU, MO., *Nov.* 11, 1873.

"HON. ARCHIBALD DIXON:

"*Dear Sir*—I inclose an editorial from the St. Louis Republican of the 5th instant, the latter part of which relates to yourself, and believing that part has no foundation in fact, I have taken the liberty of calling your attention to it. Most obediently,

"ROBT. L. WILSON."

The editorial inclosed contained a very severe criticism of Mr. Dixon in regard to Seward's statement as to the origin of the repeal, saying that Seward had used Mr. Dixon as a "cat's paw" in the business.

Some months before, Judge Niblack, of Indiana, an old friend, had sent Mr. Dixon a paper; he was suffering so severely at the time, from an attack of neuralgia, he had laid it away, and then forgotten it. Mr. Wilson's letter recalled it; he said, "I expect that is what Niblack sent me;" and sure enough there it was, the whole article of Mr. Welles, copied from the Galaxy into the Cincinnati Commercial.

When Mr. Dixon read it, he said, "This explains McCreery's letter."

The letter referred to from Mr. McCreery was found by me among Mr. Dixon's papers after his death, and I give it verbatim:

"WASHINGTON, *December* 31*st*.

"*My Dear Sir*—Hon. Henry Wilson, of Massachusetts, has very repeatedly urged me to address an inquiry to you touching the proposition or amendment offered by yourself to Kansas-Nebraska bill.

"Had Seward any thing to do by suggestion or otherwise with the authorship of the amendment? Or did he advise its introduction into the Senate?

"It may surprise you that such a matter should be

canvassed here in political circles; but it is true, and as your friend I advise you of the fact and await such answer as you may choose to send.

"With respect and esteem,

"THOS. C. MCCREERY."

The date of the above letter, as to the year, is not given, but I know it must have been before Mr. Seward's death, as I remember distinctly Mr. Dixon's remark upon reading it, which was, "I suppose Seward wants to make some political capital for himself." The idea of any thing as reflecting on his honor in connection with it never occurred to him for a moment, I am sure, as it did not to me. Upon finding the letter, I wrote to Mr. McCreery, and received the following reply:

"SENATE CHAMBER, *Dec.* 3, 1877.

"MRS. ARCHIBALD DIXON, Henderson, Ky.:

"*Dear Madam*—From your letter I conclude that you intend to apply to the President for an appointment for your son. The President has ten appointments at large, which are generally bestowed upon the sons of deceased army officers. I will not speculate upon the chance of your son, but, if your application is forwarded, I will indorse it and do all I can.

"On the second point, Henry Wilson said, I think on the authority of Montgomery Blair, that Seward had prepared the amendment submitted by Mr. Dixon to Douglas' Kansas bill. I denied the truth of the report, and wrote to Mr. Dixon, who confirmed my denial. Afterwards, in an interview in Henderson, he went into details, showing that Seward had no agency and no knowledge of his intended action.

"Respectfully,

"T. C. MCCREERY."

An examination of the history which Hon. Henry Wilson was doubtless engaged in preparing at that time

will show that he makes no mention of Mr. Seward as having any connection with the origin or authorship either of the repeal of the Missouri Compromise, or of the amendment as offered by Mr. Dixon. So, of course, he accepted Mr. Dixon's denial.

To return: Mr. Dixon at once wrote to Mr. Wilson, thanking him for his kindness, and giving him a statement of the facts.

He also wrote and sent the following letter to the St. Louis Republican:

"HENDERSON, KY., *Nov.* 14, 1873.

"TO THE EDITOR OF THE ST. LOUIS REPUBLICAN:

"*Sir*—In an editorial which appeared in your paper the 5th instant, you commented on a portion of a letter from Hon. Montgomery Blair to ex-Secretary Welles, recently published, which refers directly to myself, and is calculated, if not contradicted, to place me in a false position before the country, and to leave the impression on the public mind that there was a plot between the late Wm. Seward and myself to bring about the repeal of the Missouri Compromise, and that it was through his promptings and influence I was induced to offer my amendment to Judge Douglas' Kansas-Nebraska bill.

"After dwelling at length on Mr. Seward's political and private character, Mr. Blair says:

" 'I shall never forget how shocked I was at his telling me that he was the man who put Archy Dixon, the Whig Senator from Kentucky in 1854, up to moving the repeal of the Missouri Compromise, as an amendment to Douglas' first Kansas bill, and had himself forced the repeal by that movement, and had thus brought to light the Republican party. Dixon was to out-Herod-Herod at the South, and he would out-Herod-Herod at the North.'

"To this statement of Mr. Seward, as put forth by Mr. Blair, I make a positive and unqualified denial.

"Of any communications that may have passed between Mr. Seward and Mr. Blair, I know nothing; nor

of the motives which may have influenced either the one or the other to make a statement in regard to me, which is utterly without foundation in fact. But there is one thing I do know, and most positively assert, that there never was any conversation between Mr. Seward and myself, respecting my amendment to the Kansas-Nebraska bill, previous to the offering that amendment; nor was there afterwards, so far as I can recollect. Neither did he use or attempt to use any influence, direct or indirect, to induce me to offer the said amendment.

"The principal object I had in offering it was to take the question from the Halls of Congress, where it had been so often agitated, and localize it in the Territories. So far from having any desire to create a sectional feeling between North and South, I most honestly believed that the localization of the question in the Territories, and leaving it to the people to decide for themselves, was the best and surest way to settle it. In this view I was not alone. A large majority of the members of Congress, many of them from the Northern and the non-slaveholding States, concurred with me and voted for my amendment, as practically adopted by Judge Douglas, Chairman of the Senate Committee on Territories, and incorporated into the Kansas-Nebraska bill. The truth is, Congress, and the good men of the country every-where, were tired of the agitation of slavery, and wanted to get rid of it; and the bill as passed by Congress was hailed with enthusiasm by a large majority of the people as the best means for such an end.

"I say nothing of the causes which conspired afterwards to defeat its object, and brought about a state of things which all true patriots must deeply deplore.

"I will state that, after drawing up my amendment, I showed it, before offering it, to Gov. Jones, of Tennessee, who not only approved it, but became one of its warmest supporters. My impression is that I also sub-

mitted it to Gen. Preston and Gen. Breckinridge, then in Congress, and asked their opinion of it previous to offering it.[1] They too supported it, from a belief that it would put a stop to agitation and preserve peace and harmony to the country.

"Of Mr. Seward's position in regard to it, I know nothing, save his decided and unwavering opposition, not only to the amendment as offered by me, but also to that reported by Mr. Douglas (they being practically the same), and which was finally passed through both houses of Congress.

"You will do me the favor to publish this communication, as you can have no object or motive to do me wrong in a matter which is vital to my honor.

"Respectfully, etc.,

"ARCHIBALD DIXON."

I had always supposed that this letter was published by the St. Louis Republican, and Mr. Dixon, I know, was under the same impression, especially as the Courier-Journal quoted from it as if from the columns of that paper; but I imagine the quotation must have been made from one of our home papers (to which Mr. Dixon had given it), as I learned within the last year that it had never been published in the St. Louis Republican at all.

Having lost all of my papers (excepting a few letters) by fire in March, 1893, and wishing a copy of this letter of Mr. Dixon's, I wrote Hon. Robt. L. Wilson, to inquire if he could recall the date of the letter, so that I might get a copy of it from the files of the St. Louis Republican, both of our home papers having been sold out and their files lost.

[1] I know that Mr. Dixon could not have mentioned it to either of these gentlemen, for had he done so they would not have expressed the unequivocal surprise, as well as delight, which they manifested on coming to our rooms that morning after his notice of the repeal, of which I have a most distinct recollection; and of which I reminded Mr. Dixon upon reading his letter.—AUTHOR.

He was kind enough to go to St. Louis and examine the files for me, but he could not find the letter at all. He sent me, however, a copy which he had preserved, that Mr. Dixon had sent him and he had had republished in the Missouri Cash-Book, a paper published in Jackson, Missouri—and the editor of which sent me a complete copy of the letter, Judge Wilson's copy having a portion at the end torn off.[1]

Mr. Dixon's health was so wretched, and he was such a sufferer for some years previous to his death in April, 1876, that he did not take the same note of occurrences as when he was well; and my time and thoughts were so taken up in providing for his comfort that I gave but little consideration to any thing else. The fact is, I could not realize that such a slander would be believed, and put the whole thing away from thought as soon as possible. I do not remember, but I have no doubt that Mr. Dixon requested the editor of the St. Louis Republican to send him a copy of the paper. The failure to do so was not any evidence of the fact of the letter not being published, for the very same thing occurred in another instance, when the money was inclosed for a dozen copies of paper—the article was published, no copy of it sent, and the writer only saw it by accident of a friend's mentioning having read the article, and having preserved the paper. The appearance of a portion of his letter in the Courier-Journal, with its full indorsement, was satisfactory to Mr. Dixon so far as contradiction of the slander was concerned; and we did not, as well as I can remember, discuss it afterwards. Nor did I recall it especially, until the various statements made, since his death, as to the repeal of the Missouri Compromise being a plot, etc., showed that the story attributed to Mr. Seward had been accepted as

[1] He also sent me a copy of Mr. Dixon's letter to him, which he had had published at the same time.—AUTHOR.

true by some persons, and was, to my utter amazement, being recorded as *history!*

Of all these statements, Maj. Whitney's is most circumstantial and particular. He says that Mr. Seward, "a Whig Senator, approached his *friend*, Archibald Dixon, likewise a Whig Senator, and proposed to him that he ought to offer an amendment, repealing the Missouri Compromise; and that Dixon, after a little reflection, arose and gave notice of his intention to do so on the first parliamentary occasion."

Now, I do not know by what authority Maj. Whitney claims Mr. Dixon as Mr. Seward's "*friend.*" It is true that they both belonged to the Whig party, but Mr. Seward was an Abolition Whig of the most pronounced and radical order, while Mr. Dixon was the strongest sort of pro-slavery Whig; and in the year of our Lord, 1854, Abolition Whiggery and pro-slavery Whiggery were as far asunder as the North and South Poles, and about as easy to bring together. Not only was there never any political affiliation between Mr. Dixon and Mr. Seward, but I *know*, of my own personal knowledge, that Mr. Dixon had only a very slight acquaintance with Mr. Seward, and there was never any interchange of friendship between them nor any thing approaching it, during all of Mr. Dixon's residence in Washington. He, of course, extended to Mr. Seward that personal courtesy which he felt was due, as well to those with whom he differed as those with whom he agreed—but that was all. He entertained a warm friendship for Mr. Hamilton Fish, of New York, and often spoke of him—but there was not the least sympathy between Mr. Seward's nature and his, and I am at a loss to know how Maj. Whitney could have received so mistaken an impression.

Surely, too, if Mr. Seward said what was attributed to him by Mr. Blair, it was a singular evidence of, and return for, *friendship*.

The next remarkable thing in this statement is, that

upon Mr. Seward's proposing to Mr. Dixon to offer an amendment to repeal the Missouri Compromise, "Dixon, after a little reflection, arose and gave notice of his intention to do so on the first parliamentary occasion."

The record shows that the very first notice of Mr. Dixon's motion was on the 16th day of January, 1854, and, "That Senators might be afforded an opportunity to consider it, he moved that the amendment might be printed. The motion was agreed to."[1]

This motion which was read on that 16th day of January, was a copy of the paper that I had written out the evening before, as stated in a foregoing chapter. Now it is perfectly apparent that if, at any time previous, Mr. Dixon had given notice of his purpose to introduce this repeal, then those gentlemen who called to see him on the next day after that motion was read in the Senate *could not have been so surprised*, as they certainly were. *Nor*, if he had made the announcement "after a little reflection," and upon Mr. Seward's suggestion, as Maj. Whitney states, *could he have had the paper ready written*, which he presented, which was in his own handwriting, and is to-day on file in the Senate archives.

But, not the least extraordinary feature of this representation (or misrepresentation?)is, that a man, of such intellect and will as are possessed by few men, himself a born leader of men, should at once, "after a little reflection," have resolved to adopt a suggestion that must, to say the least of it, have aroused the suspicion of an infant even, coming from a source so inimical to the South as Mr. Seward was known to be.

Maj. Whitney, however, reconciles this point by producing the quotation from Mr. Blair's letter, which asserts that it was a preconcerted arrrangement—*intended* to "bring to life the Republican party"—and that "Dixon was to out-Herod-Herod in the South"—that is, Dixon was to pretend that he was acting in the interest

[1] Cong. Globe, Vol. 28, Part I, p. 175.

of the South by procuring the repeal of the act prohibiting slavery north of 36° 30′, when in reality his purpose was to bring about by that repeal the reaction at the North which should destroy those very interests he was hypocritically pretending to secure—while Seward was to "out-Herod-Herod at the North"—that is, Seward was to pretend to be violently opposed to the repeal of the Missouri Compromise, when in reality he was the man who had conceived it, had originated it, proposed it, had duped into it the man who was never duped before, had by a marvelous ingenuity succeeded in betraying into a most dishonorable act the most hightoned and honorable of men, had gulled the public, and now chuckled over having gained his own peculiar ends by his own favorite methods.

This is the meaning of that quotation, and this the inference which Mr. Welles intended to be drawn from it when he published it as an evidence of the insincerity of Mr. Seward's character, and of his tortuous modes of action.

I do not pretend to say that Mr. Seward actually said, what Mr. Welles said, that Mr. Blair said, that Mr. Seward said, but I do say that Mr. Seward either said it, or he did not say it. If he did not say it, that is the end of it. If he did say it, the very statement intelf proves the author to be a hyprocite of the first water, and as false as his worst enemies could ever have wished to suppose him.

And of what value, as against a man of known integrity, would any statement be, coming from such a source? What court would accept it as evidence on oath?

Mr. Seward, however, should not be condemned without being heard. An exceedingly able man, a statesman in many respects of very great ability, I would not willingly do him the least injustice; and I give his own statement in regard to his position as to the repeal of the Missouri Compromise.

In a speech made the 24th of May, 1854, on the floor of the Senate, he said:

"Sir, I have always said that I should not despond, even if this fearful measure should be effected, nor do I now despond. Although, reasoning from my present convictions, I should not have voted for the compromise of 1820, I have labored in the very spirit of those who established it to save the landmark of freedom which it assigned. I have not spoken irreverently even of the compromise of 1850, which, as all men know, I opposed earnestly and with diligence. Nevertheless, I have always preferred the compromise of the Constitution and have wanted no others. I feared all others. This was a leading principle of the great statesman of the South (Mr. Calhoun). Said he:

" 'I see my way in the Constitution; I can not in a compromise. A compromise is but an act of Congress. It may be overruled at any time. It gives us no security. But the Constitution is a statute. It is a rock on which we can stand, and on which we can meet our friends from the non-slave-holding States. It is a firm and stable ground, on which we can better stand in opposition to fanaticism than on the shifting sands of compromise. Let us be done with compromises. Let us go back and stand upon the Constitution.'

"I stood upon this ground in 1850, defending freedom upon it as Mr. Calhoun did in defending slavery. I was overruled then, and I have waited since *without proposing to abrogate any compromises.*

"*It has been no proposition of mine to abrogate them now; but the proposition has come from another quarter*—from an adverse one. It is about to prevail. The shifting sands of compromise are passing from under my feet, and they are now, without agency of my own, taking hold again on the rock of the Constitution. It shall be no fault of mine if they do not remain firm.'"[1]

[1] Cong. Globe, Vol. 29, p. 770.

Now, here is Mr. Seward's own public and solemn declaration that it was *no proposition of his to abrogate "any compromises:"*

"But the proposition has come from another quarter."

How can this public declaration be reconciled with his alleged statement to Mr. Blair, except to intensify his falsity, should you accept that statement as having been made as reported?

If not so made, who is responsible for the slander upon Mr. Seward which it would imply, when faced with his public declaration?

But it must be confessed that the fact, as shown by Mr. McCreery's letter with Mr. Dixon's comment on it, that this report was put in circulation in Washington during Mr. Seward's lifetime, would favor the supposition that Mr. Seward was wholly responsible for originating it, and that Mr. Blair was simply very credulous and very fond of the marvelous, to have repeated such a statement from such a source with regard to a man of such high and well-known character as Mr. Dixon. And, like Maj. Whitney, in giving circulation to that which he did not know to be true, he was, in the eye of the law, equally as guilty as though he had stated that which he knew to be false. His position in the matter would recall the penance inflicted by the good Catholic priest on the penitent sister (leaving out the penitence) when she confessed to him how she had repeated a slander on her neighbor. "Go," he said, "and come to-morrow and bring with you a thistle-down." She brought it. "Now," he said, "go home, and scatter the seeds all the way as you go; and come again to-morrow." She did as he directed, and the next day when she came, he said: "Now, my daughter, go and gather all those seeds of the thistle-down that you have scattered and bring them to me." "But," she said, "father, that is impossible. How can I ever find and gather up all those seeds? Why, the wind has carried them away in every direction." "So," said he—this

wise man—"you can not gather up those seeds? How, then, can you expect to recall those slanderous words you have spoken, and which have been borne as swiftly and as widely, perhaps, on the tongues of men as those seeds on the wings of the wind? Go, my daughter, repent, sin no more, and pray for forgiveness."

This slander, as furnished to Mr. Welles by Mr. Blair, was in circulation all over the country for nearly five months before Mr. Dixon ever heard of it, and then, by a singular fatality, when he did hear it, his letter denying it was not published, although he supposed that it had been, in the St. Louis Republican, which was a Democratic paper with a very wide circulation.

Mr. Dixon, after writing the letter and seeing it quoted from in the Courier-Journal as from the St. Louis Republican, seemed to give the matter no further thought. For myself, it seemed so impossible that any one could really connect any thought of dishonor with his name, I simply put it away from me as a thing beneath contempt. But it can be easily understood that Mr. Dixon's denial appearing only in the Henderson papers, and the paper in Jackson, Missouri, with merely an extract from it in the Courier-Journal with its declaration of belief in its truth, was not calculated to "gather up all of the seeds of thistle-down" that had been carried far and wide over the whole land—and some of which seem to have borne their fruit in Maj. Whitney's statement, which is not, however, altogether logical, as in it he says:

"This alarmed Douglas, who came at once to Dixon's seat and remonstrated with him, but in vain; he believed, as all the Southern statesmen did, that the Missouri Compromise was wrong, and ought to be repealed; and his will was inflexible, etc." Now, if Mr. Dixon *believed* the Missouri Compromise was wrong and ought to be repealed, is it to be supposed that he would have needed any suggestion from Mr. Seward on the subject? And, if he believed this, "as all Southern statesmen

did," must it be supposed that "all the Southern statesmen" fell into line on the subject at Mr. Seward's mere suggestion?

Maj. Whitney must acknowledge, "after a little reflection," that his statements contradict themselves.

There is, however, other evidence beyond Mr. Dixon's own denial, or the illogical character of Maj. Whitney's allegations, to show that Maj. Whitney is entirely mistaken when he says that Mr. Dixon, upon Mr. Seward's suggestion, "after a little reflection," determined to offer the amendment to repeal the Missouri Compromise.

And here let me sincerely thank Maj. Whitney for making his statement so circumstantial; as it renders the task of disproving it far easier than where one has to cope with something intangible, something without body or form.

During the summer of 1894, whilst engaged in rewriting this work (the manuscript of which I had lost by fire in 1893), in a conversation with my brother, Col. Thos. W. Bullitt, of Louisville, Ky., I stated that I did not believe, indeed I felt sure, that Mr. Dixon had never advised with any one, never consulted any one before writing his motion for the repeal of the Missouri Compromise. I was satisfied of it because I remembered so distinctly the intense surprise manifested by each and every one of his friends in Washington, many of whom called to see him immediately after he had announced his purpose in the Senate, and I, being present, heard and saw all that passed. Col. Bullitt replied that he thought I was mistaken; that in a conversation with our brother, John C. Bullitt, of Philadelphia, he had mentioned having had a conversation with Mr. Dixon on the subject. I then addressed a letter to my brother, and give his reply:

(Copy.)

"PHILADELPHIA, *December* 13, 1894.

"*My Dear Sue*—I have yours of the 5th inst. The facts as I recollect them were these:

"Mr. Dixon and yourself paid us a visit at 32 South Third Street during the Christmas Holidays of 1853–4. About the time of the termination of your visit, I suggested that you should remain over for a short time. You stated that it was impossible, as Mr. Dixon must be in Washington upon the re-assembling of the Senate, as he proposed to offer an amendment to Mr. Douglas' territorial bill, repealing the Missouri Compromise. This announcement startled me very much, and on the evening of that day, I spoke to Mr. Dixon in regard to it. He stated that he did so intend, as he believed it was proper for him so to do. I differed in opinion with him and gave him my reasons for so thinking.

"The discussion between us lasted for an hour or more. He took the position that the Missouri Compromise should never have been adopted; that it had been in fact repealed by the compromise resolutions of 1850: that the rights of the South could only be vindicated by the then repeal; that as Mr. Douglas' bill proposed the form of territorial organization for Kansas and Nebraska, the time had arrived for making the repeal effective by its incorporation in Mr. Douglas' bill.

"I urged upon him my reasons for what I deemed to be the unwisdom of that course. I stated that while he might be theoretically right in his proposition, it could never be of any practical value to the Southern States to have the abstract right to take their slaves into the territories proposed then to be organized; that the subject of slavery had been the one great peril of the Union; that the Missouri Compromise had been the means of allaying the threatened disturbance at that time, and the country had been comparatively free from danger from that period until the slavery agitation

which culminated in the year 1850; that this excitement had been again allayed by the compromise resolutions of 1850, and that there was a comparative state of quiet upon the subject at the time of our discussion. But the hostility to the institution of slavery had undoubtedly been growing throughout the North, and the repeal of the Missouri Compromise at that time, would in my judgment, be like a spark of fire to a train of powder; that I had no doubt, if the repeal were adopted, it would enkindle all the excitement and violence of feeling which had prevailed upon former occasions, and in view of the deep prejudices of the North upon the subject, with the increase of population which had taken place, the excitement would rage with more fury than it had ever done before. I thought the South could not possibly gain any thing by it, as the agitation which would follow would attract attention, especially to Kansas, and settlers would pour into it from the North with such rapidity as to render it certain that slavery would be excluded, and that Nebraska was necessarily too far North to allow the introduction of slavery there.

"He replied to these suggestions with intense earnestness. His position was that the territories belonged to all the people of the United States; that the South had the same right to take their property into the territories which the North had; that it was an unjust and unfair discrimination against the people of the South to exclude from any part of the territories the slave property which Southern men moving into the territories might wish to carry with them, and the only way in which the rights of the South could be properly vindicated and established was to repeal the Missouri Compromise.

"I spoke of the knowledge which I had acquired of the condition of feeling in the North, from my residence there; I expressed the belief that, if the repeal should be adopted, every town and cross-roads throughout the North would be set ablaze with Abolition agitation; that a crusade would be organized which would fill Kansas

with zealots and partisans that must be overwhelming against the advocates of the right to take slaves into Kansas. I remember saying to him, among other things, that while he, or any other man like him, owning slaves, who wished to settle in Kansas, was deliberating and planning how he could arrange so as to take his slaves without breaking up families, a dozen or more voters would put their kitchen utensils and their families into one-horse traps, move into Kansas, take up quarter-sections of land, and thus that class of people would secure the controlling power and render the efforts on the part of the Southern men to make Kansas a slave State nugatory.

"I further urged upon him the feature that seemed to me most threatening, that the repeal at that time would induce such a state of excitement and feeling that a civil war might result from it. Just how this would be brought about, no one could say, but I could see that a collision might occur in Kansas which might involve the citizens of other States, and out of it might grow a civil war and dissolution of the Union; that it seemed to me the conditions then existing rendered such a result highly probable, and I had the greatest apprehension of the disasters that might ensue from the course proposed; that I was afraid it might be the beginning of the end.

"To this he replied, urging that the proposition was right in itself; that if strife should ensue the Southern men could take care of themselves, and, as they would only be asserting their fair and Constitutional rights, the responsibility would not be with them, but with the people who attempted to deprive them of their rights. He also relied upon the Democrats of the North to sustain the South in the assertion of its rights, and with their assistance the controversy must result in favor of the South. I could not look upon the matter as he did. I did not believe the assistance of the Democrats of the North could be relied upon in case there should be such a condition of things as I apprehended, and re-

ferred to the fact that a number of prominent Democrats had already gone over to the "Free-soil Party." I thought that, if an actual collision came on, the South would have to meet it alone, and the numerical strength and advantages of the North were such as to render the issue a most dangerous one for the South.

"But he did not believe that there was reason for the apprehension which I expressed. He spoke with the deepest earnestness and strongest conviction of what he believed to be his duty under the circumstances, and I never saw any one more sincere in the purpose of doing what he believed to be his public duty.

"The discussion produced no perceptible effect upon his views. It served, however, to crystallize my thoughts on the subject and intensified my apprehensions as to results.

"You and he went to Washington. Thinking over the matter, as I did, I determined to go to Washington and see if I could not dissuade Mr. Dixon from his purpose. I arrived there in the evening of the day on which he had offered his amendment, or had given notice that he would do so. I do not recall whether he had actually offered it or not. I did not know, until after reaching Washington, that he had done any thing in the matter. I supposed I should see him before he had committed himself by a public declaration on the floor of the Senate.

"You are right as to my going down 'after he had given notice that he would offer the motion for repeal,' but wrong in the inference that I went down in consequence of his having given the notice. I did not know of it when I left home.

"Upon going to your apartments I found him with a number of Senators discussing the subject in the most earnest manner. I remained until he was alone, and then resumed the subject. I found, however, that he had already gone so far, and was so determined in regard to it, that any influence in the direction which I

proposed to enforce was hopeless, We did, however, talk about it. I reiterated very much the views I had expressed in Philadelphia, and he made replies in the line which he had adopted in our former conversation. This interview must have lasted an hour or more. I left Washington the next day full of forebodings as to the future.

I have only undertaken to give you a general outline of what passed but feel quite confident as to correctness.

"You are at liberty to use this statement in any way you think best. Affectionately your brother,

"John C. Bullitt.

"Mrs. S. B. Dixon, St. Matthews, Jefferson Co., Ky."

Now, I have no recollection of the above conversation between Mr. Dixon and my brother in Philadelphia, and presume I was not present. Nor did Mr. Dixon mention it to me so far as I can remember. Nor do I remember telling my brother of Mr. Dixon's purpose—which, of course, was a mistake on my part, growing out of my entire ignorance of the importance of the subject; which if I had understood, would have restrained me from speaking of what should have been left to Mr. Dixon himself to mention. I remember very distinctly, however, the talk in Washington at which I *was* present, and I know I was troubled at Mr. Dixon's very decided manner of refusing to consider the suggestions of my brother, to whom I was so much devoted and of whose intellect and judgment I had so high an opinion. But this letter is conclusive evidence of two things, one that I was right in my belief that Mr. Dixon had consulted no one; for my brother was not approached nor consulted by Mr. Dixon in the matter—but on information given by me he remonstrated with Mr. Dixon, who refused to listen to his remonstrance. The other thing clearly proven is, that Mr. Dixon had this amendment for repeal in his mind long before it was offered. Indeed, I think it is highly probable that he had thought of it as

far back as 1853, when the attempt to organize Nebraska was made, and failed because of the difficulty as to the Missouri Compromise. For no Southern man was willing to see that territory organized with that restriction left upon it. And, as John Breckenridge said to Mr. Dixon that morning, the wonder was "none of them had ever thought of this before."

With Mr. Dixon's bold and logical mind, his fearless nature, and disregard of all obstacles where his duty was in question, it was the most natural thing in the world that he should resolve to remove this difficulty—this restriction which was not only unconstitutional but unjust and unfair, and stood in the way of all legislation for this immense territory. Whatever may be thought of its policy, no one who knew Mr. Dixon's character, and the creed of his life, which was—to claim only what is right, to submit to nothing that is wrong—could believe that he was actuated by any but the highest motives of patriotism and love of his country in offering this repeal.

I will in conclusion ask, what possible motive could such a man as Archibald Dixon have had to either truckle to Mr. Seward, or "bring to life the Republican party?"

One of the proudest and most high-spirited men in the world, where in the whole record of his long and honorable life could any instance be found that would make it possible to believe that he would ever have consented to act the part of traitor and renegade to his State, his party, and his own honor?

A man, not only faithful, in the highest sense of the word, to every obligation of honor and duty, but also a citizen most devoted to his country; most devoted to the Union of the States; would such a citizen have been willing to imperil that country and that Union, as, with his views, be believed the success of the Republican party would do?

But—aside from all this, aside from his own denial,

aside from his known characteristics which would forever forbid all supposition of treachery or dishonor, aside from the lofty integrity, the dauntless courage, the exquisite refinement of honor, and grandeur of soul, which shone forth in every lineament and were embodied in as noble a form as God ever gave to man—aside from all this, what could Mr. Dixon have gained by aiding Mr. Seward in his political projects?

One of the wealthiest men in his State, his fortune consisting of land and negroes, which he had not inherited, but obtained by investing the proceeds of a life of incessant and arduous labor at his profession, was he likely to endanger that fortune by "bringing to life the Republican party" with its known principles of enmity to slavery?

Senator from Kentucky, with every assurance of reelection should he desire it; what in the way of ambition had "the Republican party" to offer him? Was it that he was to "out-Herod-Herod?" Was this the goal, the reward? However congenial it may have been to Mr. Seward's nature "to out-Herod-Herod" such was not the stuff of which Archibald Dixon was made, nor would Mr. Seward ever have dared to approach him with such a proposal. Had he even intimated such a thing, he would have shrunk, withered, before the fierce scorn that would have blasted him like the lightning itself.

What motive could have actuated Mr. Seward in making such a statement as Mr. Blair attributed to him (if he made it), can now only be conjectured. Whether it were that he wanted "to make some political capital for himself," as Mr. Dixon said when he received Mr. McCreery's letter, or whether he remembered and resented the disgust and horror so plainly shown by Mr. Dixon when Mr. Seward declared that they "would drive the negroes into the Gulf of Mexico, as they were driving the Indians into the Pacific Ocean—set them free, and in fifty years there would not be a negro left"—

and was influenced by that recollection, can now be only a matter of surmise. I have not forgotten, to this day, Mr. Dixon's expression when he told me of it. He was shocked, not only by what appeared to him the hypocrisy of the man, but the cruelty of his proposition. And Mr. Seward's remembrance of it may have been a motive, as well as the "making of political capital for himself."

Maj. Whitney lays great stress on the "mysterious way" in which "God moves"

"His wonders to perform."

The writer is of the opinion that the Father of Lies, too, has his own peculiar mysticism for the transmission and perpetuity of his own especial line of devices, and that he has never exerted it more signally than in behalf of the especial device embodied in the quotation from Mr. Blair, as cited by Maj. Whitney.

It has been shown plainly in the foregoing pages that in regard to the repeal of the Missouri Compromise there was neither plot nor intrigue, nor any motive for any plot or intrigue, on the part of either the author of the repeal, Archibald Dixon, or of its main advocate, Stephen A. Douglas; but that they were both actuated by a high, patriotic and imperative sense of right.

It can also be conclusively shown by the impartial historian, that it was the *departure* from the principle of non-intervention in accordance with which this repeal was made—which principle was advocated by both of these distinguished patriots, and was adopted and agreed to by both of the great parties of the country from 1850 to 1856—that brought on the terrible war between the States, which cost so many valuable lives and wrecked so many homes; and it is safe to say that, but for that departure, and the violation of that principle, we might have escaped the greatest civil war of all the ages.

THIRTY-FIRST CONGRESS

FIRST SESSION

SENATE OF THE UNITED STATES.

Monday, December 3, 1849.

MILLARD FILLMORE, Vice-President of the United States and President of the Senate.

[Democrats (34) in Roman, Whigs (24) in Italics, Free Soilers (2) Small Capitals.]

Maine—Hannibal Hamlin, James W. Bradbury.
New Hampshire—JOHN P. HALE, Moses Morris, Jr.
Massachusetts—*Daniel Webster*, *John Davis*.
Rhode Island—*Albert C. Greene*, *John W. Clarke*.
Connecticut—*Roger S. Baldwin*, *Truman Smith*.
Vermont—*Samuel S. Phelps*, *William Upham*.
New York—Daniel S. Dickinson, *William H. Seward*.
New Jersey—*William L. Dayton*, *Jacob W. Miller*.
Pennsylvania—Daniel Sturgeon, *James Cooper*.
Delaware—*John Wales*, *Presley Spruance*.
Maryland—David Stewart, *James A. Pearce*.
Virginia—*James M. Mason*, R. M. T. Hunter.
North Carolina—*Willie P. Mangum*, *George E. Badger*.
South Carolina—John C. Calhoun, Arthur P. Butler.
Georgia—*John M. Berrien*, *William C. Dawson*.
Kentucky—*Joseph R. Underwood*, *Henry Clay*.
Tennessee—Hopkins L. Turney, *John Bell*.
Ohio—*Thomas Corwin*, SALMON P. CHASE.

Louisiana—Solomon W. Downs, Pierre Soulé.
Indiana—Jesse D. Bright, James Whitcomb.
Mississippi—Jefferson Davis, Henry S. Foote.
Illinois—Stephen A. Douglas, James Shields.
Alabama—Jeremiah Clemens, William R. King.
Missouri—Thomas H. Benton, David R. Atchison.
Arkansas—William R. Sebastian, John Borland.
Florida—David L. Yulee, *Jackson Morton.*
Michigan—Lewis Cass, Alpheus Felch.
Texas—Thomas J. Rusk, Sam Houston.
Wisconsin—Henry Dodge, Isaac P. Walker.
Iowa—George W. Jones, Augustus C. Dodge.

THIRTY-THIRD CONGRESS

FIRST SESSION

SENATE OF THE UNITED STATES.

Monday, December 5, 1853

DAVID R. ATCHISON, of Missouri, President *pro tem.*, of the Senate—Secretary, ASBURY DICKINS.

Maine—Hannibal Hamlin.
New Hampshire—Moses Morris, Jr., Jared W. Williams.
Vermont—*Solomon Foot.*
Massachusetts—CHARLES SUMNER, *Edward Everett.*
Rhode Island—Charles L. James, Philip Allen.
Connecticut—*Truman Smith*, Isaac Toucey.
New York—*William H. Seward, Hamilton Fish.*
New Jersey—John R. Thomson, William Wright,
Pennsylvania—*James Cooper*, Richard Brodhead, Jr.
Delaware—James A. Bayard, *John M. Clayton.*
Maryland—*James Alfred Pearce, Thomas G. Pratt.*
Virginia—James M. Mason, Robert M. T. Hunter.
North Carolina—*George E. Badger.*
South Carolina—Andrew P. Butler, Josiah J. Evans.
Georgia—*William C. Dawson, Robert Toombs.*
California—William M. Gwin, John B. Weller.
Alabama—Benjamin Fitzpatrick, Clement C. Clay, Jr.
Mississippi—Stephen Adams.
Louisiana—John Slidell, *Judah P. Benjamin.*
Ohio—SALMON P. CHASE, *Benjamin F. Wade.*
Kentucky—*Archibald Dixon, John P. Thompson.*
Tennessee—*James C. Jones, John Bell.*

Indiana—John Pettit, Jesse D. Bright.
Illinois—James Shields, Stephen A. Douglas.
Missouri—David R. Atchison, *Henry S. Geyer.*
Arkansas—Robert W. Johnson, William R. Sebastian.
Michigan—Lewis Cass, Charles E. Stewart.
Florida—*Jackson Morton,* Stephen R. Mallory.
Texas—Thomas J. Rusk, Sam Houston.
Iowa—Augustus C. Dodge, George W. Jones.
Wisconsin—Isaac P. Walker, Henry Dodge.

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